



North Tyneside Council

# Planning Committee

4 February 2022

To be held on **Tuesday, 15 February 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>	<b>5 - 8</b>
To confirm the minutes of the previous meeting held on 18 January 2022.	

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5. <b>Planning Officer Reports</b>	<b>9 - 14</b>
<p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	
6. <b>21/01891/FUL, Land at former Coleman N E Ltd Site, Walker Place, North Shields</b>	<b>15 - 34</b>
<p>To determine a full planning application from P North Developments Limited for the variation of condition 1 (approved plans) of planning approval 17/00835/FUL relating to revised elevation details to house types, revised ridge heights, addition of basements to plots 12 and 13 and a retaining wall.</p>	
7. <b>21/02281/FUL, Land Adjacent to 36 Falkirk, Killingworth</b>	<b>35 - 50</b>
<p>To determine a full planning application from Mrs Jackson for change of use from open space to residential C3 garden space including the erection of a 1.8m fence.</p>	
8. <b>21/02389/FUL, Whitley Bay High School, Deneholm, Whitley Bay</b>	<b>51 - 86</b>
<p>To determine a full planning application from the Department for Education for demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements.</p>	
9. <b>20/01271/FUL, 2 Eastern Villas, Springfield Park, Forest Hall</b>	<b>87 - 122</b>
<p>To determine a full planning application from Springfield Park Holdings SPV1 Ltd for change of use of a vacant former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure.</p>	
10. <b>21/02172/FUL, Park Hotel, Grand Parade, Tynemouth</b>	<b>123 - 168</b>
<p>To determine a full planning application from The Inn Collection Group for a two storey extension to provide 20 hotel bedrooms, a single storey Fish &amp; Chip takeaway and ice cream parlour, hotel kitchen, internal plant room, toilets and core circulation space, extended and improved external terrace area, car parking and landscaping. External works to existing building including replacement of all windows and doors, removal of existing render and re-rendering, and repairing external boundary walls. Wall mounted CCTV cameras.</p>	

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11.	<b>21/02355/FUL, Former Motor Hog, Wallsend Road, North Shields</b>	<b>169 - 202</b>
	To determine a full planning application from Mandale Construction Ltd for the demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8.	
12.	<b>21/00920/FUL, Land at Former Tynemouth Victoria Jubilee Infirmary, Hawkeys Lane, North Shields</b>	<b>203 - 228</b>
	To determine a full planning application from Sea Island Developments for proposed 51no. of extra care accommodation, Use Class C2 (Residential Institutions).	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Julie Cruddas  
Councillor Margaret Hall  
Councillor Chris Johnston  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Frank Lott  
Councillor Paul Richardson

## Planning Committee

**Tuesday, 18 January 2022**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, T Brady, J Cruddas, M Green,  
M Hall, T Mulvenna and J O'Shea

Apologies: Councillors C Johnston, F Lott and P Richardson

### **PQ58/21 Appointment of substitutes**

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor T Mulvenna for Councillor P Richardson

### **PQ59/21 Declarations of Interest**

Councillor J Cruddas declared a non-registerable personal interest in relation to the 18 Station Road, Forest Hall Tree Preservation Order because she lived close to Station Road, Forest Hall.

Councillors M Hall and M A Green both declared registerable personal interests in relation to planning application 21/02424/TELGDO, Land Adjacent to North Tyneside General Hospital, Rake Lane, North Shields because they had been appointed by the Council as Co-opted Governors of Northumbria Healthcare NHS Foundation Trust.

### **PQ60/21 Minutes**

**Resolved** that the minutes of the meeting held on 14 December 2021 be confirmed and signed by the Chair.

### **PQ61/21 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

### **PQ62/21 21/02173/FUL, Land to the West of Bellway Industrial Estate, Benton**

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from Northumberland County Council for construction of an underpass, works to public rights of way, construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

A planning officer presented details of the application with the aid of various maps, plans and photographs. During the presentation the Committee were advised to disregard a recommendation contained within the report seeking authority for the Director of Law and Governance to enter a legal agreement for the long term maintenance of the development because this function did not fall within the terms of reference of the Committee.

In accordance with the Committee's Speaking Rights Scheme John Rose of Ashcroft Drive, Forest Hall had been granted permission to speak to the Committee. He stated that an underpass was unnecessary as there was an alternative option to provide a crossing controlled by warning lights. The proposed underpass would deviate from the route of the existing footpath requiring the loss of trees that would take 30-40 years to replace and damage would be caused by the excavation of the tunnel. The underpass would provide shelter for undesirable people. The nearby metro underpass had a notorious history of drug taking, glue sniffing and attacks. Mr Rose also referred to the unwelcome acoustics of the existing underpass and nearby residents did not want this effect in stereo. A light controlled crossing would be a safe and common sense solution as the frequency of trains would be less than the Metro who safely operated light controlled crossings.

Alannah Healy of SLC Property addressed the Committee to respond to the speakers' comments. She explained how the proposed development was part of a wider scheme to reinstate passenger train services from Newcastle to Ashington to improve access to South East Northumberland and stimulate economic growth. As part of this scheme Network Rail had undertaken an assessment of the safety of all crossings in consultation with local communities. The preferred solution at this site was an underpass to be shared by pedestrians and cyclists which would remove any conflicts with rail traffic. The height, width and alignment of the underpass had been designed to mitigate against the risks of anti-social behaviour and replacement planting would provide a biodiversity net gain. As the proposal complied with the relevant planning policies the Committee were urged to permit the application.

Members of the Committee asked questions of John Rose, Alannah Healy and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the nature and outcome of the consultation with neighbouring residents, initially in relation to options for the crossing and more recently in relation to the proposed underpass;
- b) the proposed scheme to deal with the risk of ground water flooding in the underpass;
- c) the proposal not to install lighting in or around the underpass and the likely implications for the safety of users. The Committee believed that it had a responsibility to ensure development provides safe and accessible places. It was proposed and agreed that should the application be permitted, it should be subject to a condition requiring the applicant, prior to the commencement of work, to submit to the Authority for approval a scheme for the installation of lighting along the proposed path and to install this lighting prior to the underpass coming into use;
- d) the links between this route and other cycling routes and proposed cycling infrastructure improvements in the area;
- e) the economic benefits of reinstating passenger rail services on the line; and
- f) the risks associated with pedestrian level crossings.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report, incorporating those amendments set out in the addendum to the report, and an additional condition requiring the applicant, prior to the commencement of work, to submit to the Authority for approval a scheme for the installation of lighting along the

proposed path and to install this lighting prior to the underpass coming into use.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the local environment, flood risk, highway safety and the residential amenity of neighbouring residents in terms of noise and visual impact during the construction and operational phases.)

**PQ63/21      21/02424/TELGDO, Land Adjacent to North Tyneside General Hospital, Rake Lane, North Shields**

The Committee considered a report from the planning officers in relation to an application from CK Hutchinson Networks (UK) Ltd seeking a determination as to whether prior approval was required for the siting and appearance of a proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme David Burdis of Rosewood Close, North Shields had been granted permission to speak to the Committee but he was unable to attend the meeting.

**Resolved** that the Council does not exercise control over the site and appearance of the monopole and cabinet.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of its impact on the visual amenity of surrounding occupiers and the character and appearance of the area.)

**PQ64/21      18 Station Road, Forest Hall Tree Preservation Order 2021**

The Committee gave consideration as to whether to confirm the making of the 18 Station Road, Forest Hall, Tree Preservation Order 2021.

The Council had been notified of the intention to carry out works to an Ash Tree situated in the front garden of 18 Station Road, Forest Hall. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. Notice of the TPO had been served on those people with an interest in the land and two objections to the TPO had been received from the owner of the tree and the next door neighbour. The owner had also submitted two arboricultural reports which were submitted to the Committee. The objections were on the grounds that:

- a) the tree is suffering from ash dieback and should be removed;
- b) the tree is within Benton conservation area and therefore already protected and no reason to make the tree subject to a TPO;
- c) a previous approved application of works to the tree show a record of compliance by the owner of following the due process and appropriately managing the tree;
- d) concerns of structural damage believed to be caused by the roots of the tree;

- e) the tree is looking increasingly unhealthy;
- f) cars are being damaged by sap and pollen from the tree; and
- g) the tree is in a dangerous condition and should be felled for reasons of safety because of the risk posed by the tree falling on property and parked cars.

The Committee considered the objections together with the comments of the planning officers and the Council's landscape architect before deciding whether to:

- a) confirm the TPO without modification;
- b) confirm the TPO with modifications; or
- c) not to confirm the TPO.

**Resolved** that the 18 Station Road, Forest Hall, Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied it was necessary to confirm the Order without modification to maintain and safeguard the contribution made by the tree to the landscape and visual amenity of the area.)



## PLANNING COMMITTEE

Date: 15 February 2022

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

#### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

#### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

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# Agenda Item 6

**Application No:** 21/01891/FUL Author: Rebecca Andison  
Date valid: 23 August 2021 ☎: 0191 643 6321  
Target decision date: 22 November 2021 Ward: Tynemouth

Application type: full planning application

**Location: Land At Former Coleman N E Ltd Site, Walker Place, North Shields, Tyne And Wear**

**Proposal: Variation of condition 1 (approved plans) of planning approval 17/00835/FUL - revised elevation details to house types, revised ridge heights, addition of basements to plots 12 and 13 and a retaining wall (AMENDED DESCRIPTION AND PLANS)**

Applicant: P North Developments Limited, C/o Agent 4-6 Market Place Alnwick NE66 1TL

Agent: George F White LLP, Stephanie Linnell 4-6 Market Street Alnwick NE66 1TL

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to a variation to the existing Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- the impact on surrounding occupiers; and
- the impact of the proposal on the character and appearance of the conservation area.

#### 2.0 Description of the Site

2.1 The application site is located on a parcel of land situated between Walker Place, Bird Street and Brewhouse Bank. It sits in an elevated position above the

Fish Quay and is currently being developed to provide 14no. residential dwellings.

2.2 The site lies within the Fish Quay Conservation Area and the grade II listed Irvin building is located to the south east. To the west of the site are residential properties on Walker Place and to the north are newly built apartments on Bird Street.

### 3.0 Description of the Proposal

3.1 Planning permission is sought to vary condition 1 of the approval given under application 17/00835/FUL. Condition 1 states that the development must be carried out in accordance with the approved plans.

3.2 The following amendments are proposed:

1. It is proposed to reduce the ridge height of the plots 6, 7 and 8 by approximately 300mm and raise plots 12, 13 and 14 by approximately 500mm to account for ground levels and allow DDA compliant entrances to be provided on the western elevation.

2. Basements are proposed to plots 12 and 13 with an associated retaining wall on the east side of the development.

3. The door on the west side of plot 12 has been amended to remove the alcove and reposition the bin store.

4. It is proposed to amend the roofline of plots 13 and 14 from a 38-degree pitch to a 45-degree pitch.

5. Plot 3 has been amended to include a larger bathroom window in the west elevation with a 2<sup>nd</sup> west facing bathroom window omitted. The south elevation now features a projecting element with full height windows over 3no. floors. First and second floor east facing Juliette balconies and an east facing rooflight are also proposed.

6. It is proposed to amend the roof design of plot 3 with an increase in height of 109mm to the main ridgeline and 412mm to the roof apex.

7. Amendments are proposed to the detailed design of the east facing windows and balconies.

8. The approved plans are incorrectly labelled (north, south, east and west). This has been corrected.

### 4.0 Relevant Planning History

17/00835/FUL - Development of 14 no three storey townhouses with associated vehicle parking and landscaping (Various amendments 23.10.17 including amendments to heights of certain plots and alterations to garaging arrangements).

Permitted 02.08.2018



15/01172/FUL: Development of 27no. apartments along with associated vehicle parking and landscaping (amended plans)

Refused 16.02.2016

16/00005/S78TPA – Appeal in respect of the above application allowed

15/00865/FULDEM - Demolition of the existing building

Permitted 28.07.2015

## 5.0 Government Policy

5.1 National Planning Policy Framework (July 2021)

5.2 Planning Practice Guidance (As amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## 6.0 Development Plan

6.1 North Tyneside Local Plan 2017

# **PLANNING OFFICERS REPORT**

## 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- the impact on surrounding occupiers; and
- the impact of the proposal on the character and appearance of the conservation area.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in an appendix to this report.

## 8.0 Impact on Residential Amenity

8.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

8.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

8.3 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.4 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

8.5 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

8.6 Several amendments are proposed to the approved development including changes to the height of the development, the window sizes/positions and the addition of Juliette style balconies.

8.7 Letters of objection have been received from residents of Renaissance Point regarding the impact of the proposed changes in terms of privacy, light and outlook.

8.8 The nearest point of the development to properties in Renaissance Point is the corner of Plot 3 to No.38 Renaissance Point. There is a separation distance of approximately 12.5m at this point. The proposal includes an amended roof design to plot 3 with an increase of 109mm to the main ridgeline and 412mm to the roof apex. The height of the eaves has also increased by approximately 800mm.

8.9 It is acknowledged that the proposed changes to plot 3 increase the bulk of the development when viewed from Renaissance Point, but when taking into account the minimal increase to the overall height of the building it is not considered that the impact on the amenity of existing occupiers would be significant enough to warrant refusal of the application on these grounds.

8.10 The approved scheme has 4no. windows in the west elevation of plot 3. It is a condition of the planning permission that these must be obscurely glazed to prevent overlooking of Renaissance Point. It is proposed to omit 1no. window and enlarge the remaining bathroom window. Given that the condition requiring the use of obscure glazing would remain, the impact on privacy is considered to be acceptable.

8.11 It is also proposed to introduce floor to ceiling windows in the south elevation of plot 3 at ground, first and second floor level serving a kitchen/dining room, living room and bathroom. The approved scheme has only 1no. modest

size window in this elevation which serves a first floor living room. Residents of Renaissance Point are concerned that the additional windows, due to their size and projection from the building, will allow views between the development and the existing properties resulting in a loss of privacy to both existing residents and residents of the development.

8.12 The proposed windows are set in from the western edge of the development and would be positioned approximately 15m from the rear elevation of No.38 Renaissance Point. They face south and are angled away from Renaissance Point. Therefore, no direct overlooking between the properties would exist. There would be oblique views from the development towards the gardens and rear windows of No.38 Renaissance Point when standing directly in front of the proposed windows, but these would be extremely restricted due to the angle of view. Views from Renaissance Point into plot 3 would be similarly restricted with only a very limited section of the rooms visible from No.38. Furthermore, the 2<sup>nd</sup> floor bathroom window would be obscurely glazed, and a condition can be imposed to control this. The only additional impact would be from the increased size of the first-floor window and the ground floor window.

8.13 An objection has also been received from a resident of a top floor flat within the Irvin Building. The rear elevation of the Irvin Building is built into the bankside with windows at third and fourth floor level. The fourth-floor apartment (No.25) also has a balcony on the west elevation which is positioned approximately 18m from the corner of plot 3.

8.14 The ground floor level of plot 3 is approximately level with the penthouse roof of the Irvin Building. The proposed south facing windows of plot 3 would be set above the windows within The Irvin Building and at an angle that would make overlooking unlikely. There would be some overlooking No.25's roof terrace from the south and east facing windows within the development and this was also the case for the approved development, as acknowledged within the case officer report for application 17/000835/FUL. The impact on privacy was considered to be acceptable given that the roof terrace is currently overlooked from the car park of the adjacent public house and Hudson Street. It is not considered that the proposed additional windows in the south elevation of plot 3 or Juliette balconies to the east elevation would increase the degree of overlooking to an unacceptable level.

8.15 It is proposed to increase the ridge heights of plots 12, 13 and 14 by approximately 500mm and to amend the roof pitch of plots 13 and 14. These changes would have some impact on views from the properties at the northern end of Renaissance Point and North Harbour Apartments. North Harbour Apartments are located approximately 16.5m from the corner of plot 14 and are positioned at an angle to this plot. Properties on Renaissance Point are a minimum of 42m from Plot 12. Given the relatively small increase in height that is proposed and the position of plots 12-14 in relation to existing properties it is officer opinion that the impact on residential amenity is acceptable.

8.16 Having regard to the above, it is officer opinion that the proposed amendments would not result in such significant harm to the amenity of existing occupiers as to justify refusal of the application on these grounds and that the

development complies with Policies S1.4, DM6.1 and DM5.19. Members must consider whether they agree.

## 9.0 Impact on Character and Appearance

9.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

9.2 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.3 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.4 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

9.5 At paragraph 206 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

9.6 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

9.7 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

9.8 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate,

enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

9.9 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

9.10 The Fish Quay Neighbourhood Plan SPD adopted in 2013 states, amongst other things, that its priorities are to provide an environmentally, socially and economically sustainable future for the area for residents, business and visitors, and to protect and enhance the conservation area and historic environment. Design Principles are set out in chapter 4.

9.11 Amendments are proposed to the window design, including additional Juliette balconies, the roof design and heights and a retaining wall is proposed adjacent to plots 12 and 13.

9.12 The proposed changes to the roof heights and design are not considered to result in any harm to the overall appearance of the development or the character of the conservation area. Given the relatively small increase in height to plots 3,12,13 and 14 it is not considered that the amendment would have any significant impact of views from the Fish Quay.

9.13 The proposed changes to the window styles/sizes are considered to be in keeping the design principles applied to the approved development and

acceptable in terms of the impact on the character of the conservation area. The changes to the levels on plots 12 and 13 have resulted in a disjointed window design but in the overall context of the development it is not considered that this results in any significant harm.

9.14 A retaining wall is proposed to address the changes in ground levels in the north east part of the site and allow basements to be provided to plots 12 and 13. The approved development includes a high (up to 3m plus 1.1m railings) retaining wall on Bird Street. The submitted plans indicate that the proposed retaining wall would be sloping and approximately 3.2m high but limited information has been submitted regarding its appearance. It is considered that the construction of a retaining wall is acceptable in principle subject to a condition requiring that the detailed design must be submitted for approval.

9.15 Local residents have raised concern regarding the construction materials and the increased use of black cladding. The amended plans do include some additional cladding, most notably to the west elevation of plot 3. The cladding on the south elevation of plot 3 is now more disbursed and an accent feature around the windows rather than a solid block across the upper floors. It is officer opinion that the proposed changes to the use of cladding do not result in any harm to the overall design of the development.

9.16 It is officer opinion that the impact of the proposed changes on the appearance of the development and the character of the conservation area is acceptable. The proposal is considered to comply with the NPPF and Policies DM6.1 and DM6.6 of the Local Plan.

## 10.0 Other Issues

### 10.1 Local Financial Considerations

10.2 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

10.3 The proposal involves the creation of 14no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

10.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

### 11.0 Conclusion

11.1 It is officer opinion that the proposed amendments to approved application 17/00835/FUL area acceptable in terms of the impact on the amenity of existing

occupiers , the design of the development and the character and appearance of the conservation area.

11.2 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a variation to the S106 agreement.

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to a variation to the existing Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement.**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

Application form

Site plan P-77-A-09-100/A

Plans first and second floor house plots 3-14 P-77-PL-101/A

House plots 1 and 2 Proposed plans and elevations P77-PL-103

Plans lower ground and ground floor house plots 3-14 P-77-PL-100/A

House plots 3-14 Proposed elevations P-77-PL-102/A

Comparative ridge dimension elevations between approved and revised planning drawings section 73 P-77\_PL-501/-

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Existing trees and shrubs to be retained within the site and any on adjacent sites growing close to the boundary of the development site shall be protected from damage during construction works in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. This shall include appropriate protective barriers and other relevant physical protection measures including ground protection and construction exclusion zones to protect the root protection areas.

Reason: To avoid physical damage to trees and root plates during construction, to ensure the satisfactory retention of existing trees and shrubs in the interests of visual amenity to preserve the character and appearance of the Conservation Area having regard to policy DM5.9 and DM6.6 of the North Tyneside Local Plan 2017.

3. Within 1 month of the date of this permission a remediation method statement and validation report for the top soil placements must be provided. This

should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included. The validation report must provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Restrict Hours No Construction Sun BH HOU00 \*  
4

5. The development shall be carried out in accordance with the Construction Method Statement submitted and approved under application 20/00999/COND.

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment by bdn dated 19 June 2015 (submitted under application 17/00835/FUL). The drainage scheme shall ensure that foul and surface water flows discharge to the adjacent combined sewer. The surface water discharge rate shall not exceed the available capacity of 8l/sec that has been identified in this sewer.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources having regard to Policy DM5.12 of the North Tyneside Local Plan 2017 and the NPPF.

7. The scheme for surface water maintenance and managing flood risk shall be implemented in accordance with the details submitted and approved under application 20/00999/COND.



Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

8. Prior to occupation of the dwellings hereby approved, the new means of access shall be laid out in accordance with the details submitted and approved under application 20/00999/COND.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Within 6 month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. The development shall not be occupied until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- Upgrade of existing footpaths abutting the site
- Upgrade of carriageway on Walker Place
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Prior to occupation of the dwellings hereby approved, visibility splays shall be provided on both sides of the access between a point 2.4metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

12. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. Prior to installation of windows, a noise scheme providing details of the window glazing, in accordance with the noise report by NVA(UK) reference 727.1/1, shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include details of glazing to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq for daytime as described in BS8233:2014 and the World Health Organisation community noise guidelines. The approved scheme shall be carried out in full, prior to occupation of the dwellings hereby permitted and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

14. Within 1 month of the date of this permission details of the ventilation scheme for habitable rooms must be submitted to and agreed in writing by the Local Planning Authority. The ventilation scheme shall meet as a minimum System 3 of Table 5.2 of Approved Document F Building Regulations: Means of Ventilation or mechanical ventilation, with windows closed. Where the internal noise levels specified in BS8233 are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Ventilation of the development hereby permitted shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance, to ensure good ventilation without recourse to opening windows, having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

15. Notwithstanding any indication of materials which may have been given in the application, within 1 month of the date of this permission a schedule and/or samples of all external finishing and surface materials for the development must be submitted to and approved in writing by the Local Planning Authority. The roof shall be natural slate unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

16. Details of all windows and doors must be submitted to and agreed in writing by the Local Planning Authority prior to installation. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning

Authority. Thereafter the windows and doors shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

17. Details and samples of metal rainwater goods must be submitted to and agreed in writing by the Local Planning Authority prior to installation. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

18. Windows on the western elevation of plot 3 shall be obscure glazed and shall be retained as such thereafter.

Reason: To protect the amenities of occupants of nearby residential properties in Renaissance Point with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

19. The second floor bathroom window on the south elevation of plot 3 shall be obscure glazed and shall be retained as such thereafter.

Reason: To protect the amenities of occupants of nearby residential properties in Renaissance Point with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

20. Prior to installation of any balcony balustrading, details and samples of the balcony balustrading shall be submitted to and agreed in writing by the Local Planning Authority. The balustrade shall form an acoustic screen of minimum height 1.2 m. Thereafter the balcony balustrading shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced and to protect the amenities of occupiers of the proposed development from noise and disturbance having regard to policies DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017)

21. Details of all external features including extract vents, flues, meter boxes etc including location and type, must be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the vents, flues, meter boxes etc shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

22. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure shall be erected until details of all screen and boundary walls, fences and any other means of enclosure have been

submitted to and approved in writing by the Local Planning Authority. The details of means of enclosure shall include a 1.6m high stone wall to plot 3 and an acoustic fence to the gardens of plots 1 and 2 unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The approved details shall thereafter be retained.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced, and to protect the amenities of occupiers of plots 1-3 from noise and disturbance within the garden areas of plots 1-3 having regard to policy DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017).

23. Refuse storage for plots 7-14 shall be implemented as shown on drawing P-77-A-09-100/A with two wheeled refuse bins for household waste and recycling provided per property prior to occupation of the dwellings and shall thereafter be permanently retained. Notwithstanding any details of refuse storage which may have been given in the application, details of facilities for the storage of refuse at Plots 1-6 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of refuse storage facilities. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of the dwellings and thereafter permanently retained. Plots 1-6 require the provision of two wheeled bins for household waste and recycling. Plots 1-3 also require a wheeled bin for garden waste.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

24. Notwithstanding any details of landscaping which may have been given in the application, the development hereby permitted shall not be landscaped and planted until a landscaping scheme for onsite and offsite landscaping on the bankside adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping scheme shall be implemented in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

25. Prior to the commencement of any landscaping, details of a management strategy for the landscaped areas outside the site boundary on the bankside to

the east of the site, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

26. Prior to occupation of the proposed development, a scheme to manage refuse collection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, refuse collection shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

27. Six bird boxes and four bat boxes/slates shall be provided on appropriate trees or buildings within the site. Prior to implementation of the bird boxes and bat boxes/slates, details including design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed prior to occupation of the development hereby approved in accordance with the approved details and retained thereafter.

Reason: In the interest of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

28. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting around the site margins and adjacent to retained areas of scrub should be low level (2m) and low lumen (less than 2 lux). Any lighting which is so installed shall not be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of visual amenity, biodiversity and/or highway safety having regard to policy DM6.1, S6.5, DM6.6 and DM5.5 of the North Tyneside Local Plan (2017).

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A B C D E G and H of Part 1 of Schedule 2 or Classes A and C of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality, adequate parking is provided and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM6.1, S6.5, DM6.6 and DM7.4 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 21/01891/FUL**

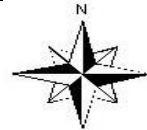
**Location: Land At Former Coleman N E Ltd Site, Walker Place, North Shields, Tyne And Wear**

**Proposal: Variation of condition 1 (approved plans) of planning approval 17/00835/FUL - revised elevation details to house types, revised ridge heights, addition of basements to plots 12 and 13 and a retaining wall**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a variation of conditions 1 (approved plans) & 23 (windows, plot 3) of planning approval 17/00835/FUL - revised elevation details to house types. Parking and access are unaffected by the variations, approval is recommended and all other conditions & informatives apply.

1.3 Recommendation - Conditional approval

1.4 Conservation and Urban Design

1.5 Recommendation: No objection.

1.6 Following initial comments (dated 4th September) that raised concerns with the application, further information has been submitted.

1.7 Concerns were raised about the proposed retaining wall to accommodate a lower ground floor for plot 12. Limited further information has been submitted about this. There are still concerns about the appearance of this and the detailed design of the retaining wall should be conditioned.

1.8 On plot 13, changes have been made to the side elevation so that the projecting gable feature is centrally placed in the roof.

1.9 The floor levels on plots 12 and 13 have been revised and the levels are different on each plot which results in a disjointed window design. A complete street scene has been submitted which shows that the impact of the changes in levels on the overall design is not significant enough to be unacceptable.

1.10 Suggested Conditions:

a) Detailed design of the retaining wall for plots 12 - 14.

2.0 Representations

2.1 37.no objections have been received. The concerns raised are summarised below:

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate in special landscape area.
- Inappropriate design.
- Inappropriate materials.
- Loss of privacy.
- Loss of residential amenity.
- Loss of/damage to trees.
- Not in accordance with development plan.



- Will result in visual intrusion.
- Not in accordance with development plan.
- None compliance with approved policy.
- Precedent will be set.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate drainage.
- Letter or petition of support.
- Pollution of watercourse.
- Potential overlooking of rear windows and terraces within the Irvin Building.
- Can see no acceptable reason why any adjustment to the conditions should be permitted.
- The conditions were applied for good reasons.
- Unacceptable for obscure glazing to be omitted.
- Conditions relating to tree protection and construction vehicle parking have not been enforced.
- The conditions are not being adhered to.
- Overbearing impact of the proposed house on plot 3 due to proximity to houses on Renaissance Point.
- Removal of obscure glazing from plot 3 will result in loss of privacy.
- Only one small window was originally proposed in the side of plot 3.
- Plot 3 is now 3-storey with an additional large protruding south facing window.
- Future residents of plot 3 will be overlooked by existing residents and members of the public.
- Enlarged window in the west elevation of plot 3 – concerns that this may be habitable.
- Changes to the east elevation of plot 3 are not in keeping the area and harm the conservation area.
- Ongoing disruption from construction work.
- Ongoing parking and access issues.
- The site is overdeveloped and poorly controlled.
- The changes to the height of the properties will impact on views.
- Inadequate information submitted.
- Changes have been made without consent.
- Concrete has been dry cut on site resulting in dust and potentially carcinogenic materials.
- The changes cannot be classed as minor amendments.
- Little outside space within the development.
- Plans do not meet current building regulations and planning guidelines.
- Loss of light due to roof alterations.
- The revisions have taken away the good design.
- The black cladding to plot 3 will look overbearing and out of keeping.
- The addition of balconies to plot 3 will overlook the Irvin Building.
- The additional bay window to plot 3 causes overlooking and makes the building look disjointed.
- The residents of North Harbour Apartments were not consulted.
- Loss of views and light to North Harbour Apartments.
- Loss of original supporting wall in conservation area.
- Concerns over structural integrity from addition of basements.

- Concerns over increased risk of surface water as a result of raised ground levels and additional basements.
- Impact of additional building height and ground levels.
- The two dwellings on plots 13 and 14 have been merged. A new planning application should be submitted for these changes.
- The new design has a less varied roofscape.
- No information has been submitted regarding the materials.
- Impact on residential amenity due to height, overlooking and loss of light.
- Revised design is not in keeping with the conservation area.
- Increased risk of surface water flooding as a result of raised ground levels. And additional basements.
- The dwellings are now 4-storey instead of 3-storeys.
- The height issues are made worse by the proximity to houses on Renaissance Point.
- The floor area of plot 3 has increased.
- Only 1 tree has been retained.
- Damage to existing trees.
- Plots 1 and 2 have been constructed closer to the site boundary.
- The development is generating dust and mud and taking up resident's parking.

**Application No:** 21/02281/FUL Author: Maxine Ingram  
Date valid: 18 November 2021 ☎: 0191 643 6322  
Target decision date: 13 January 2022 Ward: Camperdown

Application type: full planning application

**Location: Land Adjacent To, 36 Falkirk, Killingworth, NEWCASTLE UPON TYNE**

**Proposal: Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (Retrospective)**

Applicant: Mrs Jackson, 36 Falkirk Killingworth NEWCASTLE UPON TYNE NE12 6QA

**RECOMMENDATION:** Application Refused

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

1.0 The main issues for Members to consider in this case are:

- The loss of informal open space and its impact on the character and visual amenity of the area; and,
- Other matters.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The site to which the application relates is a parcel of land located immediately to the east of No. 36 Falkirk. The site is bound to the north and east by public footpaths which provide direct connections to the wider residential estate and surrounding open space

2.2 Beyond the footpath to the north of the site is No. 38 Falkirk. This property is orientated east-west. Its blank gable is set back from the adjacent footpath. The boundary treatment adjacent to the footpath consists of a high boundary treatment to enclose the rear garden, low level planting adjacent to the gable and a low-level boundary treatment to the front garden.

2.3 Beyond the footpath to the east of the site lies an area of designated open space, a wildlife corridor and the rear garden serving No. 54 Flodden. It is noted

that a high timber fence separates this rear garden from the adjacent footpath. Further south of this fence there is a mature landscaping strip that separates the rear gardens of other properties from the adjacent footpath.

2.4 To the south of site is an area of designated open space and a wildlife corridor.

2.5 It is noted that high fences adjacent to areas of open space exist within the immediate vicinity of the site. However, these areas of open space are not enclosed on all sides.

### 3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought for a change of use from open space to residential C3 garden space including the erection of a 1.8m fence.

3.2 The applicant has submitted a supporting statement to accompany their planning application:

The site has no allocation(s) and is not defined within the Council's Local Plan; therefore, it is assumed that the site has no value that would require a designation. The proposed site for garden use consists of low-quality amenity grass making up only 0.003% of the available grassed open space within the estate. The site has a steep gradient falling away approximately 1 meter over rear 10 meters of the site allowing passers by a view in to both the rear garden of 36 but also those of 38 to 48 Falkirk. The site is not used anything and has not been used in a positive manner by anyone in the 7 years in which we have resided at the property. At the time of purchase, we were advised the land/site was available if we were interested in acquiring it and we have since had discussions with the developer regarding this.

Since moving in we have endured problems with anti-social behaviour at the site with a constant problem with drinkers, who whilst entering or leaving the estate on the adjacent footpath at night smashing empty glass bottles against the gable end of our property. The site is also a litter trap and used by youths as a means of escape after kicking and banging on the front door of our property an issue which causes concern with our daughters when they are in the house alone.

We believe the change of use meets policies DM1.3, DM6.1, DM5.2 and S1.4 as the proposal will improve the environmental/ecological conditions in the local area due to additional planting which will take place within the newly created garden area providing resources for pollinators, insects and bird life etc. We are also prepared if requested to provide additional plating to compliment the nearby wildlife corridor as there is nothing currently in this location. The site has not been designated as open space or as part of the current wildlife corridor, therefore, it can be assumed that the site has no value to the community or to biodiversity. The issues with anti-social behaviour and lack of public use, would appear to confirm this.

The fencing will improve the visual impact of the location as it is in keeping with the existing characteristics of high fencing which enclose the rear gardens of the neighbouring properties. The fence also obscures the unappealing gable end of the adjacent property to the north of the site which is the first thing viewed as

passers-by walk in to the estate but does not interrupt the open vista of the estates central field as the path turns north east around the rear of Flodden. The fencing also provides privacy/security to the gardens of the properties to the north of the site as the path leading in to the estate is at an elevated level above that of the rear gardens of both the associated property of number 36 and those at numbers 38, 40, 42, 44 and 48.

The fencing is also in keeping with the current curtilage design standards of the neighbouring properties and is an extension of the existing rear garden fencing design of our property and matches with the current front garden fence design which attaches to it.

The new fencing enclosing the site consists of 1.8m high fencing boards attached to 3 by 1-inch rails attached to 4-inch fence posts and will be finished in a grey which is in keeping with the property's front and rear garden fence and the fencing colours of the neighbouring properties in this location. The site will have little adverse impact upon the surrounding area as the site in question is small in size, approximately 90m<sup>2</sup>, making up only 0.003% of the open space on the estate and will not be harmful to the surrounding area or residents. The land proposed for garden use is not of any use to residents as open space but there is a large area of useable designated open space available for residents elsewhere within the estate.

For the above reasons, it is considered that the change of use of the land to enclosed garden space would not be detrimental to the environment and would be in accordance with the Council's planning policies.

#### 4.0 Relevant Planning History

No planning history relating directly to the planning application site.

#### 7 Greenhills, Killingworth

21/00809/FUL - Remove old fence which only covered part of the property, and erect new fence enclosing existing open space, close boarded timber 1800mm high installed. (Retrospective) – Refused 07.07.2021. Appeal dismissed 07.10.2021. (Appeal Ref: APP/W4515//D/21/3279923)

#### 22 Longstone Court, Killingworth

19/01597/FUL - Change of use from open space to form part of garden – Refused 21.04.2020. Appeal dismissed 01.02.2021 (Appeal Ref: APP/W4515/W/20/3261333)

#### 20 Falkirk, Killingworth

05/03595/FUL - Change of use of land to garden space, ground floor side and rear extension to existing garage and first floor bedroom extension over garage - Refused 16.01.2006. Appeal dismissed 20.10.2006. (Appeal Ref: A/06/2018050/NWF)

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

## 6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- The loss of informal open space and its impact on the character and visual amenity of the area; and,
- Other matters.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix of this report.

### 8.0 The loss of informal open space and its impact on the character and visual amenity of the area

8.1 Paragraph 92 of the NPPF encourages planning policies and decisions to aim to achieve healthy, inclusive and safe places. Amongst other matters this includes creating safe and accessible places, so that crime and order, and the fear of crime do not undermine the quality of life or community cohesion and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.

8.2 Paragraph 98 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

8.3 Policy S1.2 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved, amongst other matters, by promoting access for all to green spaces, sports facilities, play and recreation opportunities.

8.4 Policy S7.10 Community Infrastructure states the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced and are accessible to the neighbourhoods that they serve.

8.5 Policy S1.4 General Development Principles states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Amongst other matters this includes ensuring that developments are acceptable in terms of their impact upon local amenity for new or existing residents, adjoining premises and land uses.

8.6 Policy DM5.2 'Protection of Green Infrastructure' seeks to protect the loss of any part of the green infrastructure network. Such a loss will only be considered under exceptional circumstances such as where it has been demonstrated that the site no longer has any value to the community in terms of loss of access and function or if it is not required to meet a shortfall in the provision of that green space type or another green space type. Where development proposals are considered to meet the exceptional circumstances, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

8.7 Policy DM5.3 'Green Space Provision and Standards' states:  
"Within North Tyneside, accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents."

8.8 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

8.9 Policy DM6.1 sets out guidance on the design of development. This policy states that:  
"Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area."

8.10 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.11 The Council's 'Design Quality' applies to all planning applications that involve building works. It states, 'Boundaries are particularly important to the front of properties and should be clearly defined, using appropriate boundary markers, such as gates and gateways, hedges, fences and walls. As a general rule, low walls and/or metal railings are more appropriate in urban areas along higher-level streets, while soft planting, hedging and picket fencing is more appropriate in lower density areas which have a more rural character'. It further states that 'Care should be taken to limit the need for long sections of new walls or high close boarded fences, especially where these bound public areas'.

8.12 The Council's Design Quality SPD states that areas of open space that are valued by residents provide an important community function and can make a significant contribution to quality of life.

8.13 The objections received regarding visual harm, the development being contrary to planning policy, impact on amenity and precedent are noted.

8.14 Members are advised that the application site was formally a grassed area of incidental open space. Based on available aerial photographs the site appeared well maintained. The site is now enclosed on all sides by a 1.8m high timber fence.

8.15 The application site is not designated as open space in the Council's Local Plan. It is an incidental area of grassed open space that provides a connection to a wider green network immediately to the south, east and north east of the site. The immediate surrounding green infrastructure is designated as open space and a wildlife corridor in the Council's Local Plan. This site provides an important visual link to the adjacent green infrastructure as well as opportunities for the community to use this area for recreational purposes.

8.16 Members are advised that high fencing does exist adjacent to areas of open space within the vicinity of the site. However, the siting and design of those existing boundary treatments formed part of the original estate and they only enclosed the open space on certain sides creating a sense of openness and natural surveillance. Prior to this application, this site was only enclosed on one side: the gable of No. 36 Falkirk and it remained open adjacent to the surrounding footpaths. This openness created a sense of connectivity and increased natural surveillance. Enclosing this parcel of land significantly alters the visual appearance and character of this part of the estate. It reduces views and connections to the north and south resulting in a reduced sense of openness and natural surveillance.

8.17 As already discussed, there are expanses of timber fencing that exist adjacent to footpaths and areas of open space throughout this estate. It is already noted that these existing boundary enclosures were designed as part of the wider estate. Such boundary treatments, adjacent to footpaths, would not be supported today as they result in poor design that detracts from the public realm. However, the site, subject of this application, was not previously enclosed by a solid timber fence.

8.18 Boundary treatments should be carefully considered and should not detract from the public realm. This site, due to its location, is highly visible within the immediate street scene therefore it is highly sensitive to alteration.

8.19 The proposed boundary treatment, approximately 1.8m high timber fencing, by virtue of its height, length, close boarded timber construction and siting creates a highly incongruous feature. The fence introduces a hard element into this part of the street scene to the detriment of visual amenity. The proposed boundary treatment is contrary to Policy DM6.1 of the Local Plan and the Design Quality SPD. When read together these policies and guidelines only permit development to occur when it harmonises with its surroundings. The development does not result in any significant benefits that outweigh the visual harm that has been brought to the character and appearance of the area.



8.20 The comments of support are noted. However, it is not considered that the development results in any significant benefits that outweigh the visual harm caused.

8.21 Members need to determine whether the proposed development is acceptable in terms of the loss of this space and its impact on visual amenity. Due to its location, forming part of the wider green infrastructure network, this site plays a significant role in contributing to the character and amenity of the area. This is evident by way of aerial photographs showing the space prior to the development taking place. By changing the space to private garden and enclosing it with high fencing, prevents this role from being undertaken and creates an enclosed area whereby the fencing appears dominant and oppressive. It is officer advice that this development is not acceptable. As such the proposed development does not accord with the NPPF or Local Plan policies S1.2, S1.4 and DM6.1 or the Design Quality SPD.

### 9.0 Other Matters

9.1 The Council's Landscape Architect has been consulted. She has confirmed that there are no significant landscape features on this site.

9.2 The Council's Biodiversity Officer has been consulted. She has confirmed that the site contains no habitat of ecological value as the area is currently amenity grass.

9.3 The Highways Network Manager has been consulted. He has raised no objection.

9.4 Objectors have raised concerns regarding precedent. Whilst each application must be assessed on its individual merits, granting planning permission for this application could be used in support of such similar schemes. Previous appeal decisions, referred to in the planning history, refer to precedent. The Planning Inspectors considered that it was not a generalised fear of precedent, but a realistic specific concern given the shared characteristics with similar properties in the area. The Planning Inspectors considered that allowing those appeals would make it more difficult to resist further planning applications for similar developments and considered that their cumulative effect would contribute to overall harm to the wider area.

9.5 The objection received advising that the applicant has not disclosed that they are related to an employee of the council is not correct. This is confirmed and disclosed on the submitted application form.

9.6 The applicant has signed Certificate D which advises the Local Planning Authority (LPA) that they do not know who owns this land.

### 10.0 Conclusions

10.1 Members should carefully consider the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

10.2 Members need to determine whether the proposed development is acceptable in terms of the loss of this space and its impact on the character and visual amenity of the area. It is officer advice that the loss of this space and the impacts on the character and visual amenity of the area as a result of this development are not acceptable. As such, the proposed development does not accord with the NPPF or Local Plan policies S1.2, S1.4 and DM6.1 or the Design Quality SPD.

10.3 Refusal is recommended.

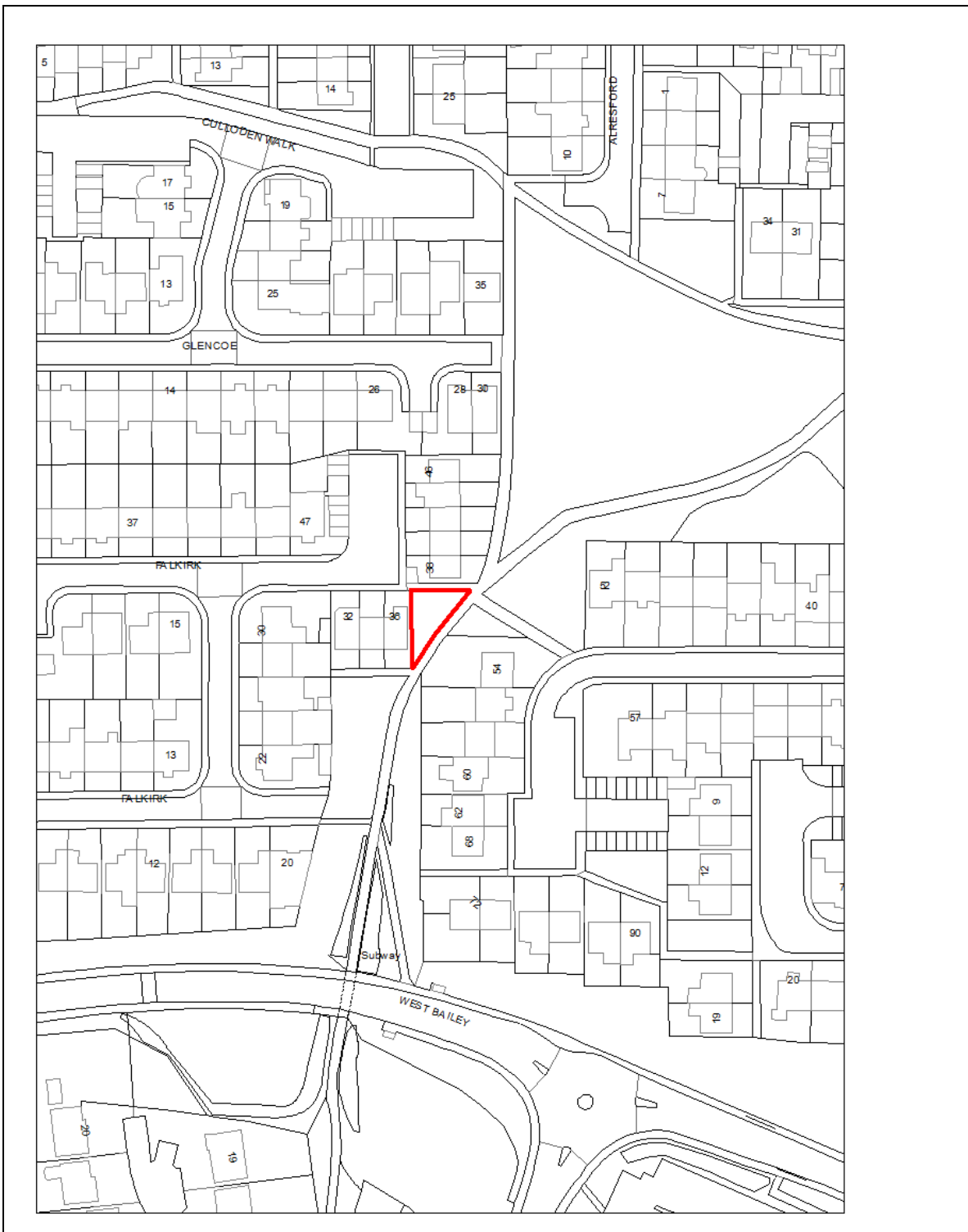
**RECOMMENDATION:     Application Refused**

**Conditions/Reasons**

1. The application site occupies a prominent position within a residential estate. The construction of 1.8m high fencing, by virtue of its design, length, height and material, and enclosing an area of incidental open space that connects to the wider green infrastructure network would be harmful to the character and visual amenity of the immediate surrounding area and result in a reduced sense of openness and natural surveillance. This would be contrary to policies S1.2, S1.4 and DM6.1 of the North Tyneside Local Plan (2017), the Design Quality Supplementary Planning Document (SPD) (2018) and the advice in National Planning Policy Framework (NPPF) 2021.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

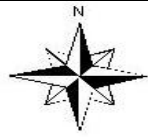
The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 21/02281/FUL**  
**Location: Land Adjacent To, 36 Falkirk, Killingworth**  
**Proposal: Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (Retrospective)**

Not to scale  
 Date: 03.02.2022

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**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor Jim Allan

1.2 This is a retrospective planning application as the fence was erected in April 2021 and it drew the attention of a great number of residents living nearby the property, all raising numerous objections. I have attached many emails that have been submitted and responded to between the officer responsible for land in the ownership of NTC.

1.3 As you will note that the land is not in direct ownership of the Council but it is a historical parcel of land that the Authority maintained since the estate was adopted from Greensitt and Barratt (housebuilders) in the early seventies. Therefore, permission would need to be granted by NTC as the responsible body of the land in question and I understand from the officers responsible for the land no permission was sought by the applicant and has not been approved.

1.4 As a Ward Councillor, I believe that the fence is contrary to the area and poses a safety issue because of its height and impact on both natural light and Street lighting. It creates a narrow public pathway, and the path is well used by residents and other visitors including delivery services.

1.5 These concerns have been raised via emails and conversations with Council Officers and in general, the application for change of use would be contrary to the policy for Public Safety.

1.6 I would request that the application be declined, and the enforcement team be requested to take immediate action because of the length of time it has taken to reach this point.

1.7 I would also request that the Ward Councillor be present to speak against the application at the Planning Committee that it is presented to.

2.0 Internal Consultees

2.1 Landscape Architect

2.2 The application is to enclose an area of land adjacent to 36 Falkirk, Killingworth as an area of garden space. The land is not designated open space or within a wildlife corridor as defined by the Local Plan, but the land is communal and offers accessible outdoor space. However, in terms of landscape the area is currently informal open space with amenity grass. There are no significant trees or other landscape features on the site.

2.3 Biodiversity Officer

2.4 I agree with the Landscape Architect's comments regarding the status of the land and have nothing further to add. The site contains no habitat of ecological value as the area is currently amenity grass.

## 2.5 Highways Network Manager

2.6 This application is a retrospective application for a change of use from open space to residential C3 garden space including the erection of a 1.8m fence. Approval is recommended.

## 2.7 Recommendation - Approval

## 2.8 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

The applicant is advised that they will need to cover any legal costs incurred by the council to stop up the area or remove it from the highway adoption agreement (Section 38 Agreement)

## 3.0 Representations

### 3.1 Support

3.2 Two representations of support have been received. These comments are set out below:

-Fully support the retrospective planning permission request. Less green area for the ample dog walkers to allow their animals to defecate. Wasted land which will be put to better use by the occupants of the dwelling and less grass to cut for the council.

-This is a brilliant idea helps put a clear boundary in situ with the public path

### 3.3 Objection

3.4 Eight objections have been received. These comments are set out below:

- Inappropriate design
- Loss of residential amenity
- Loss of visual amenity
- None compliance with approved policy
- Not in accordance with development plan
- Out of keeping with surroundings
- Precedent will be set
- Will result in visual intrusion
- Impact on landscape
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- 20 Falkirk refusal on similar land

-The estate was part of the new town development of Killingworth Township in the 1960s and 70s and forms an integral part of the estate. Few modern estates provide areas of planned open amenity grass land, it would be wrong to allow any garden grab of the open space by surrounding houses.

-Contrary to the applicant's statement on the application form the land is not an unused area of poor-quality grass land. The open space is very well used by children, dog walkers, adults exercising and general socialising. The grass is regularly mowed by the Council, as is evident from the photographs attached taken from Google maps, and has never been in a poor condition.

-Loss of Open Space: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan is the North Tyneside Local Plan (2017). It is clear throughout the Local Plan that it seeks to protect open space and promote good design.

The applicant has failed to demonstrate any exceptional circumstances to justify the loss of green infrastructure, nor have they provided any alternative open space provision elsewhere and as such the application does not accord with Policies DM5.2 and DM5.3 of the Local Plan.

It therefore follows that unless there are material considerations that would outweigh the harm that would be caused by being contrary to the relevant policies in the Local Plan that planning permission should be refused.

-Design: The National Planning Policy Framework (NPPF, 2021) states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy DM6.1 'Design of Development' states "Applications will only be permitted where they demonstrate high and consistent design standards. In addition to this the Council's Design Quality Supplementary Planning Document (SPD) states that Care should be taken to limit the need for long sections of new walls or high close boarded fences, especially where these bound public areas.'

-The close boarded fence around the open space now creates a narrow pathway to the open space from Falkirk which looks unsightly and blocks sight lines in and out of the open space. This will be evident to you when you conduct a site visit. Therefore, the proposal contrary to NPPF, policy DM6.1 Design of Development of the Local Plan and the Design Quality SPD.

-Previous Applications: Whilst each application should be treated on its individual merits, allowing this application could support similar schemes around the open space, particularly given the number of properties with shared characteristics bordering the open space. The cumulative effect of such development would contribute to an unacceptable overall harm to the wider area. Two similar proposals, both in Killingworth, have recently been dismissed at appeal due to impact on amenity: 21/00809/FUL and 19/01597/FUL. Although it is a few years old, another appeal case at 20 Falkirk, is particularly important, as it relates to the same open space as this application. The proposal at 20 Falkirk was a similar garden grab of open space and was dismissed at appeal. Unfortunately, due to the age of the case I cannot find any more information online. These three appeal decisions are material considerations of a significant weight.

-To conclude my family and I wish to object to this development due to the loss of open space and the unacceptable impact on the character and appearance of the area. It is contrary to Policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan (2017) which seek to protect areas of green space and encourage good design.

-Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal is contrary to the relevant policies in the Local Plan and would result in harm. There are no material considerations which would outweigh the harm that would be caused. It follows therefore that planning permission should be refused.

-This is grossly unfair. Firstly, the gentleman put up the fence without permission just acquiring the piece of land because he could. However, we live at 26 Falkirk and although it doesn't affect us directly can we assume that this is the new norm? Build and or put up a fence without permission or purchasing the land? If

that is the case, then waiting to see if anyone will complain? If so, then we would certainly be interested in the land at the rear of our property, not all of it just a stretch leading to the path.

-None of the residents were consulted if we agreed to the sale of the land and given that as rate payers on this particular estate surely we should have been our rates contribute to that land?

-The fenced area has also created a tunnel of a path which really isn't very unnerving when walking through there especially at night. This estate has always been a safe estate without 'tunnel' like areas other than the two sub ways on the estate.

-We look forward to your response on our queries. Especially on our right to build at the rear of our property as I am sure numbers 24 and 22 will also be interested if they were aware of your new ruling.

-The applicant erected this fence before May 21 which he did not have permission to do. After numerous queries from myself to Planning Enforcement I was told the council had sent numerous letters to remove the fence and the resident ignored the council and I feel this is wrong. I believe they don't own the land either as I knew the previous owner and they were allowed to buy this land for an extension so can't see why this new resident should be allowed. The way the street lighting is, this new fence creates dark walkway from the field into Falkirk which could be unsafe with elderly residents in the area.

-I strongly object to this. I have lived on this estate for over 40 years and pass this land most days. It is shocking how this was taken before asking. I only found out today that they have applied to have the fence. Who owns the Land? They have not bought it surely?

-I have to add weight to the fantastic objection posted here on the 9th December where they have stated the obvious and highlighted references for the objection.

- Impact of landscape: The approach to this corner is the only way into this housing estate for most residents in the upper half of Highfields. Before this land was stolen and a fence put up, you could walk up and see the whole of the estate open up as you approached, now you are confronted with a 6ft fence line which is an eyesore and no vision of who might be lurking around it.

-Inappropriate design: A 6 ft fence in this area is inappropriate.

-Loss of amenity: This well kept and closely mowed corner was a regular meeting place for dog walkers and children. The comments to support this case on here referring to dog walkers and defecation is ludicrous and not true. The dog owners all pick up and bin dog poo.

-Non-compliance: I think the previous objection on here points all of this out.

-Nuisance

-This 6ft fence has now added a 6mtr alleyway down between houses. Kids already gather here and you don't know who else lurks here until you get to this point. It is now very intimidating on these darker nights.

-Out of keeping with the area. If this was tucked away somewhere at the end of a street that would be debatable, but this is the most prime position on entry to the estate.

-Poor pedestrian safety: I have witnessed a child on her bike come flying through the alleyway and this resulted in an elderly woman falling, she did not hit the woman but close enough to cause the fall. Adults on bikes also use this at speed and eventually this will cause an accident.

The other safety aspect is the fact people can loiter and step out at the last moment if they had any intention of lawbreaking.

-Precedents will be set: Many people on this estate are looking at this case and discussing it between themselves, if planning permission is given to the owners there will be many left confused who have been recently rejected on their own application on similar cases.

-It is believed that the owner holds a managerial position with North Tyneside Council and this has led to much speculation that preferential treatment is being handed out on this application, considering this has been erected since May 2021 where they have been informed to take it down on more than 1 occasion.

-I wish to object to this planning application on the basis that this is the main thoroughfare for pedestrians entering the majority of estate and since the "theft" of this public land the merging of the 5 footpaths at this point has now become an area which large groups of "kids" now congregate on a nightly basis, it's now an area not just the elderly but everyone I've spoken to find it intimidating to walk through now that the space is enclosed since the erecting of this fence without ownership of the land and planning permission. This used to be a lovely entrance to the big field but it's now become an eyesore and if allowed to go ahead then this surely allows other residents to do as they like and take more open green spaces on the estate that was designed with this in mind.

-I lived on the estate years back and have family on Highfields. Been back over Christmas and appalled by this land grab and new fence and ruins the pedestrian entrance to the estate both aesthetic and safety perspective as well as setting a precedent.

-The fence now creates a narrow walkway leading from the bus stop and underpass onto the field and other paths. It also creates an even narrower walkway between 36 Falkirk and 38 Falkirk where you cannot see if anyone is hiding for anyone walking through late at night or early morning. Several residents are now fearful, and this is documented in the other objections. In particular there a number of female residents who work very early shifts at Morrisons and do not like walking through this way anymore – women's safety has been a national concern. I understand and this was recorded by the police an attempted mugging just before Christmas on the pathway - this has not happened on the estate before and further raises concerns about public safety. Previously you had a good view ahead of you - now you don't.

- The land is not the applicants to just take. It belongs to Barratt Developments just like the other open amenity spaces on the estate which residents enjoy, is one is one of the benefits of living on the estate, as planned by Barratt as the estate is and must remain open plan. Newer estates do not provide such benefits and the benefits enjoyed by residents of Highfields must not be lost - a precedent would be set, and the estate would be changed for ever and not for the better.

-Each house on the estate in the legal pack will have a conveyance made on the 2 November 1971 that the entire estate site was bought by Greensitt and Barratt from Northumberland County Council. Within that it explains that all footpaths, roads and open spaces when the estate is complete will be offered to the council for adoption and maintenance - something that did occur, and North Tyneside Council have maintained the open spaces including this piece beside No.36 for nearly fifty years now. In addition, Barratt still hold rights on the entire estate, even freehold properties in that you have to ask Barratt permission for extensions, etc. something I had to do years ago and even though I was freehold. So as far as I am aware, the land is not the applicants to take and fence off for personal gain and the detriment of the other residents.



-It will be very interesting to see how North Tyneside planning deals with this application taking into account a very similar application only last year where they "Refused this application" and this was in a not so prominent location (Ref: 21/00972/FUL).

-Can I start out by commenting on behalf of many residents who were shocked to see this fence erected last year without any permissions, we were all led to believe that the council had served notice to have the fence removed. It was only by chance that a neighbour living at an address before number 36 mentioned they had a letter in relation to an application to change the use of this land, what I cannot understand is that no one from number 38 to 44 received this letter and were not aware of the application.

-Without having the letter I did go online to see this application at the later stages of going to a decision and have made some objections to the case. Can I also point out some untruths about the resident's application and the letter they wrote to back this up? In the letter they paint a picture of the land being neglected and in need of tidy ups by No36, can I say that this is not true. I have lived with my parents and bought the house from them at No 40 for more than 45yrs and this land actually was covered originally in overgrown shrubs causing concern to residents of safety when passing, the council therefore landscaped this back to a grassed area to purposely open it up and have a better viewing when approaching this corner. This grassed area has never been abandoned and has not needed any maintenance by any neighbour as it is part of the grass cutting teams regular visits from spring to autumn, and they have never had any reason to not maintain this patch of land.

-I also notice on the application that, Item No 24. Authority Employee/Member, was ticked as yes but failed to list their role and relation to each other, bearing this in mind he does work for North Tyneside Council and it should be disclosed.

-Can I also ask why the "Internal target date" has moved from 6th January on to the 13th February.

#### 4.0 External Consultees

None

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**Application No:** 21/02389/FUL Author: Julia Dawson  
Date valid: 23 November 2021 ☎: 0191 643 6314  
Target: 1 February 2022 Ward: Monkseaton North  
decision date:

Application type: full planning application

**Location: Whitley Bay High School, Deneholm, Whitley Bay, Tyne And Wear, NE25 9AS**

**Proposal: Demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements**

Applicant: Department For Education, C/o Agent

Agent: Lichfields, Mr Andrew Darby Saint Nicholas Building Saint Nicholas Street Newcastle Upon Tyne NE1 1RF

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to approve the application subject to the consultation period expiring on 24<sup>th</sup> February, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Director raise issues not previously considered which justify reconsideration by the Committee.**

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

The main issues in this case are;

- The principle of the proposed development;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- The impact on the highway; and
- The impact on biodiversity.

1.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

## 2.0 Description of the Site

2.1 The site to which the application relates is Whitley Bay High School, which is located within a predominantly residential area of Whitley Bay. The main vehicular and pedestrian access into the site is via the public highway of Deneholm to the south. Pedestrian and cycle access is also available from the north via the Public Right of Way located to the west of the school building, which runs north to south from Monkseaton Drive to Deneholm.

2.2 The school car park is located within in the south western corner of the site. The playing fields and sporting facilities are predominantly located in the northern part of the site. The main public highway of Monkseaton Drive runs parallel to the northern boundary of the site, beyond which are residential dwellings located in the Beaumont Park area, specifically The Chesters and Clifton Grove. Allotments are located beyond the southern boundary of the application site, along with residential bungalows located on Alder Grove, and two storey dwellings on Deneholm and Valley Gardens. Valley Gardens Middle School is located to the south west of the application site.

2.3 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017).

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the demolition of several of the existing school buildings and the development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements.

## 3.0 Relevant Planning History

3.1 The application site has an extensive planning history, including the following:

01/01352/LAREG3 - Erection of two storey extension for science,art,music,drama and library. Removal of two existing mobile/temp classrooms (Revised design) – Approved 20.09.2001

01/02521/LAREG3 - Extension/modifications to existing car parking areas to create additional car parking spaces – Approved 25.02.2002

04/00476/LAREG3 - New shower and changing rooms, toilets, offices and sports stores, fencing, new and resurfaced multi-games court, floodlighting, access roads, footpaths and soft landscaping – Approved 30.04.2004

04/03425/LAREG3 - Four areas of existing school building are to have areas of glazing removed and new curtain walling and doors installed. Design and colour to match existing cladding – Approved 19.11.2004

04/04121/LAREG3 - Construction of new two storey adult centre for learning building. The new extension to be constructed next to an existing first floor bridge linking two blocks of school accommodation near the main entrance to the school – Approved 15.02.2005

12/00556/LAREG3 - Extension to form new science laboratory – Approved  
28.05.2012

19/00344/FUL - Proposed lighting to sports pitch – Approved 08.05.2019

20/01021/FUL - Proposed security fence – Approved 25.09.2020

#### 4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

#### 5.0 Government Policy

5.1 National Planning Policy Framework (NPPF) (July 2021)

5.2 National Planning Practice Guidance (NPPG) (As amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

### **PLANNING OFFICERS REPORT**

#### 6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed development;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- The impact on the highway; and
- The impact on biodiversity.

#### 7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 219 of the NPPF that "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

7.3 Paragraph 95 of NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local authorities should give great weight to the need to create, expand or alter schools.

7.4 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

7.5 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.6 Sport England's 'Playing Fields Policy and Guidance' states that Sport England will oppose the granting of planning permission for any development which would lead to

the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

These exceptions are:

- 1) A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
- 2) The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
- 3) The proposed development affects only land incapable of forming part of a playing pitch and does not reduce the size of any playing pitch, result in an inability to use the pitch, reduce the sporting capacity of the playing fields, result in the loss

of other sporting provision, or prejudice the use of any part of a playing fields and pitches.

4) The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field of equal or better quality, of equal or greater quantity, in a suitable location and subject to equal or better accessibility and management.

5) The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field

7.7 Strategic Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

7.8 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.9 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

7.10 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.11 Policy DM5.3 states that accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

7.12 Policy S7.10 states that the Council will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Specifically, it advises that access to education will be enhanced and where necessary improved throughout the Borough. Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location. Opportunities to widen the cultural, sport and recreation offer will be supported, and the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

7.13 The applicant has advised that Whitley Bay High School has been identified within the DfE School Rebuilding Programme as one of a group of North Eastern schools most in need of urgent repair. The proposed new school building is to be located within the northern part of the school site, on an area of open space. Once the new school has been constructed the majority of the existing buildings will be demolished (three blocks will be retained) creating new open space in the southern part of the site. This will include the retention of the existing MUGA, 7-side pitch and the creation of a new football pitch with spectator areas. A Sensory and ARP garden are included to the north of the site alongside Monkseaton Drive. The applicant has stated that the proposed development will therefore provide betterment in terms of the level of open space available across the site, whilst consolidating the existing buildings into a smaller footprint.

7.14 Sport England has been consulted and their comments will be reported to the planning committee via an addendum.

7.15 The application site is an existing secondary school located on an area of designated educational open space. Therefore, the principle of the redevelopment of the site for educational purposes is in accordance with the site's allocation in the Local Plan and it is considered that it will improve educational facilities within this part of the borough to meet the needs of the local community, in accordance with the objectives of the NPPF.

7.16 Members are advised that the principle of building a new school on this site is acceptable, and accords with the NPPF and aforementioned Local Plan policies.

## 8.0 Character and Appearance

8.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.



8.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

8.3 Para.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

8.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

8.5 Concerns have been raised by local residents with regard to the impact of the proposed development on the visual amenity of Monkseaton Drive and the loss of the open view/green space. These concerns are noted.

8.6 The applicant has advised that the proposed development will provide a high quality, student environment, which is calm and welcoming whilst retaining and enhancing the public right of way which runs through the site. The applicant considers that the proposal will sensitively respond to the neighbouring Monkseaton Conservation Area. It will retain existing tree lines and be as sustainable as possible to meet the DfE's new sustainability specification. It will create an efficient building footprint, which is flexible and adaptable to meet future needs respond to the constraints of the site and the retained buildings.

8.7 The applicant engaged in pre-applications discussions with the Local Planning Authority. At that stage, the Design Officer noted the location of the proposed building to the north of the site in a setting adjacent to the designated Monkseaton Conservation Area (to the east). It was advised that the proposed development could impact on the street scene and that high quality design would be expected with careful consideration given to the scale and mass. It was also noted that the proposed building is three stories high, which is higher than the existing school buildings, and that justification should be provided with regard to the height. Advice was provided that opportunities should be taken reduce the massing of the three-storey building by creating step backs and features.

8.8 The applicant has advised that the form and mass of the new buildings are driven by the functional and environmental demands of the brief and lifecycle. However, noting the comments provided by the Design Officer, they have created opportunities to break the rhythm of the façade. Examples of this include the

introduction of glazed breaks in the façade; the treatment of the western façade with the inclusion of double height glazed slots and infill metal panels; a two-storey recessed entrance; the creation of the undercroft in the inner courtyard for external dining (creating a visual break), and; articulation of the façades with a blue brick and metallic gold window, louvres and pressed metal insulated panels. A similar approach has been taken to the sports block where there is more emphasis on the verticality of the large format anthracite metal cladding sitting over a robust buff brick base with the same colourways for doors as the main façade.

8.9 Furthermore, the applicant has advised that the building has been designed to respond sympathetically to Monkseaton Drive and its existing tree cover (additional planting will be located adjacent to the northern boundary where trees have recently been removed), as well as the site's wider setting which includes Monkseaton Conservation Area to the east. This includes the use of appropriate materials such as two high quality brick types which deliver the life cycle requirements as well as a fitting expression for the building and robustness in use, and; aluminium windows, curtain walling and integrated louvres, with a metallic powder coating finish; aluminium (non-combustible rock wool core) composite cladding panels for infills.

8.10 The impact of the proposed development on the setting of the Conservation Area has been considered within the submitted Historic Environment assessment. This notes that the application site is some distance from the historic core of Monkseaton. Most of the conservation areas lies to the south of the school and is separated from it by housing, such that it will have no interaction with the development. The conservation area to the east of the park incorporates 20th-century housing. Many of the views out from the area are channelled along roadways and are often not long-ranging due to topography and the development pattern. The views across to the site from the conservation area are from within Churchill Playing Fields and from the rear of properties to the east of the park. These are screened by trees. The school buildings are apparent from the conservation area when the vegetation is low in the winter months. The assessment states that these views are not significant and do not impact on nor detract from the setting of the conservation area. Additional buildings at the site would similarly be largely screened from view of this part of the conservation area and it is considered that there would be no significant impact on the setting of the conservation area from the development.

811. Members need to consider whether the proposed design is acceptable and whether it would harm the character and appearance of the surrounding area, including the setting of the Conservation Area. It is officer advice that, on balance, the proposal is acceptable in terms of design, scale and massing; and the relationship with the surrounding area.

### 9.0 Residential Amenity

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise

from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.4 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.5 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 The nearest residential properties are located to the north beyond Monkseaton Drive and to the south on Denholm and Valley Gardens. Objections have been received from local residents to the north with regard to the impact of the proposed development on their residential amenity, in terms of loss of privacy, outlook and light pollution, and these are noted. However, at its closest point the new school (the sports hall) will be located approximately 7.5m within the northern boundary of the site and almost 53m from the side elevation of No.14 Clifton Grove. The main three storey school building will be set back within the northern boundary of the site by approximately 14.5m - 19.5m and at least 74.5m from the main front elevations of No's 9, 11, 13 and 15 Clifton Grove. Due to this significant distance, the existing screening provided by the tree coverage between Clifton Grove and Monkseaton Drive and the new planting, which will soften the impact of the proposal and provide increased screening within the northern perimeter of the school site, it is not considered that the proposed school will result in such harm to the existing standard of outlook, daylight, sunlight or privacy currently enjoyed by the occupiers of these dwellings that refusal of the application could be justified on these grounds.

9.7 The impact of the new school buildings on the residents of Valley Gardens, Denholm and Alder Grove to the south will be minimal given that the new school buildings will be located further away from these properties than the existing school.

9.8 The Environmental Health Officer has reviewed the application and raised concerns with regard to the impact on potential noise arising from the site from the use of the proposed new sport pitch and new plant and equipment installed at the redeveloped site. She has also raised concerns about potential light pollution, potential dust nuisance from the demolition and construction phase and potential noise from the use of the site during the evening as it is noted the sports facilities will be available for community use thereby extending their use beyond the normal school day. These concerns are noted.

9.9 In order to address the above the concerns, the Environmental Health Officer has suggested several conditions. These are set out at the end of this report and it is considered they will adequately address the impact of the proposed development on residential amenity.

9.10 Concern has also been raised by local residents with regard to the impact of the construction phase of the development in terms of noise and pollution. These concerns are also noted. Some disruption is inevitable during the construction phase. However, the applicant has submitted a Construction Method Statement which identifies measures to control these issues and minimise the impact. Conditions will also control the hours during which demolition and construction can take place and dust suppression measures. Construction traffic will enter the site via Monkseaton Drive, rather than Deneholm.

9.11 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable. It is officer advice that the impact on amenity is acceptable subject to the suggested conditions.

## 10. Highway Impact

10.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 The Transport and Highways SPD set out the parking standards for new development.

10.6 Objections have been received with regard to the proposed access to the site with many residents viewing the planning application as a good opportunity to address existing traffic congestion and highway safety problems by creating vehicular access from Monkseaton Drive, rather than continuing to use the existing vehicular access from Deneholm. This is noted. However, the applicant, the Department for Education, has advised that the proposed scheme is funded from their School Rebuilding Programme. This programme prioritises new school facilities based on existing building condition. At Whitley Bay High School, funding has been provided to replace the 1960s system-built facilities that are now coming to end of design life. As the development is on an existing school site with no increase in pupil capacity, funding is only provided for the replacement buildings. In this context, there is therefore no scope to alter the school access arrangements as part of the current planning application.

10.7 Parking provision will largely be retained as existing, with additional parking created as a result of removing the existing portable classroom. This will result in the site providing 144 parking spaces for cars, two minibuses and two motorcycle bays. Seven accessible bays, seven electric charging points, including one accessible bay and one designated visitor bay. In addition, there will be a drop-off facility for taxis/parents with the capacity to accommodate four cars. 158 cycle parking spaces are also proposed with room available to provide more if required. This is broken down as 138 under-cover spaces for students, utilising some of the existing cycle racks. 10 visitor spaces will be provided adjacent to the main entrance and 20 spaces dedicated for staff behind the secure line. 10 visitor spaces are also proposed in the form of cycle hoops adjacent to the main entrance.

10.8 The Council's Public Rights of Way (PROW) Officer asked a number of questions regarding the existing PROW. In response the applicant has confirmed that the existing PROW is to be retained on its current line and at the same level. In some areas the path width will be increased slightly. The PROW will be kept open during construction and there is no intention to resurface it. Overall, the DFE's funding typically relates to the provision of new school buildings, and not for wider enhancements to the wider site's infrastructure. At this stage, therefore, the focus has been upon ensuring the legibility of the site and the integration of the new development.

10.9 The Highway Network Manager has commented and recommends conditional approval.

10.10 The Sustainable Transport Team have also commented and raised no objection to the proposed development subject to the attachment of a condition requiring the submission of a Travel Plan and a Travel Plan Monitoring Fee to be secured via a S106 Agreement. However, the contribution is not considered necessary. Travel Plan Monitoring can be secured by a condition and does not require a legal agreement with a financial contribution.

10.11 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is officer advice that it is.

### 11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.5 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.6 Policy DM5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

11.7 The site is designated as Open Space by the Local Plan and lies within a Wildlife Corridor. The applicant has submitted an Ecological Impact Assessment, Biodiversity Net Gain Assessment, Arboricultural Impact Assessment and detailed landscape/planting plans.

11.8 The applicant has advised that the proposed external landscaping creates a suitable school environment and maximises the provision of open space, biodiversity and urban greening as well as new sports facilities. Existing trees, including flowering ornamental cherry trees, flank the boundary running adjacent to Monkseaton Drive with small groups and individual trees located elsewhere across the site. The existing trees will be retained where possible, with additional trees proposed as mitigation and as part of the requirement to increase biodiversity across the site. The AIA has recommended that a number of trees

should be removed due to their health, including the evergreen multi-stem trees adjacent to Monkseaton Drive. These trees have been removed and will be replaced with flowering Cherry trees to strengthen this boundary.

11.9 Mitigation planting will be provided largely to the site boundaries and new green spaces in the heart of the site. Low maintenance ornamental and wildflower planting is proposed throughout the site using native species of local provenance where possible. All planting around the buildings will be low maintenance and include evergreen plants to provide structure to ensure that newly planted areas look good all year round. New medium to large shrub planting will be limited to boundaries to ensure natural surveillance across the site is maintained. A number of swale features are proposed which have the potential to create damp meadow habitats.

11.10 The Council's Biodiversity Officer and Landscape Officer have reviewed the proposals and requested additional information. Their final comments will be reported to planning committee via an addendum.

## 12.0 Other Issues

### 12.1 Flood Risk and Drainage

12.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test.

12.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

12.3 The site falls within Flood Zone 1, which is the lowest risk of flooding, and is not located within a Critical Drainage Area. The applicant has provided a Flood Risk Assessment, which has identified that attenuation will be required.

12.4 The Council's Local Lead Flood Authority have reviewed the application documents and advised that they have no objections subject to a condition requiring the submission of a detailed drainage design to include further details on the proposed attenuation features (cross section / long section of attenuation pond and details of underground storage tank construction).

12.4 Northumbrian Water have provided comments and raise no objections subject to the development being carried out subject to a condition that the development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy".

12.5 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

### 12.6 Ground Stability

12.7 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

12.8 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

12.9 The application site is located within a Coal Authority Referral Area. The Coal Authority has raised no objection to the development and have advised that the information submitted within application adequately addresses the potential impact of coal mining legacy.

12.10 The Contaminated Land Officer has been consulted and her comments will be reported to planning committee.

12.11 Members must determine whether the proposed development is acceptable in terms of ground stability. Officer advice is that the proposal is acceptable in this regard.

### 13.0 Planning Obligations

13.1 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.12 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

13.13 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.14 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.15 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment



opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

13.16 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.17 The following contribution has been requested by service areas:

- Travel Plan Monitoring Fee: £2,500 (£500 per annum)

13.18 The above contribution is not considered necessary. Travel Plan Monitoring can be secured by a condition and does not require a legal agreement with a financial contribution.

13.19 A CIL payment will not be required for this development.

#### 13.20 Sustainability

13.21 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.22 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.23 The applicant has submitted a Sustainability Statement which it provides details of the sustainable design philosophy for the new building at Whitley Bay High School. The document outlines the passive design strategy followed in order to ensure the new school operates as efficiently as possible and provides a healthy and productive environment for the school users, and the wider local

community. A Net Zero Carbon roadmap has been provided for the School to develop as part of the journey to Net Zero Carbon in operation by 2050.

13.24 The project funding is reliant on the proposals meeting the DfE Output Specification including their new Sustainability Brief. This places a substantial emphasis on delivering new school buildings that are sustainable and seek to address the challenges of the climate emergency. In order to comply with these specifications, there are a large number of requirements that the building envelope, and in turn its appearance, need to address. These include the following:

- Meeting minimum standards for daylight, assessed through climate-based daylight modelling, to provide a high-quality internal environment and minimise the use of artificial light;
- Mitigating overheating risk in warmer seasons and minimising heat loss during colder seasons through the optimisation of glazing area, shading, glass performance and window layout;
- Maximise airtightness and levels of insulation to minimise heat loss;
- Provide sufficient natural ventilation to mitigate overheating in warmer seasons and allow for sufficient air changes in cool seasons whilst not resulting in excessive heat loss and in turn the need to heat spaces. This has to be achieved through the provision of opening windows and/or louvres and heat recovery ventilation units;
- Mitigate the risk of glare and ensure that natural ventilation systems can operate when shading devices such as blinds are in use
- Provide a roof with integrated photovoltaic cells which requires the roof to be of a flat roof construction rather than pitched.
- Not exceeding the project capital funding which is derived from a national formula based on benchmark cost data. This places limitations on the palette of materials and architectural language that can be utilised within the proposed scheme.

13.25 It is clear from the information submitted that the design of the proposed development fully acknowledges the need to address climate change, and indeed that the DfE's requirements in this respect have heavily influenced the design. It is officer advice that the proposed development is acceptable in this respect.

13.26 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

#### 14.0 Local Financial Considerations

14.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

14.2 The proposed development will result in additional jobs created during the construction period.

15.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

### 15.0 Conclusion

15.1 The proposal complies with the allocation of the site within the North Tyneside Local Plan 2017 and it will improve educational facilities within the borough.

15.2 In officer opinion the principle of the proposed development is therefore acceptable along with its impact on the environment, local amenity and the highway network. It complies with national and local planning policy.

15.3 It is officer advice, that subject to the outstanding comments from Sports England, the Biodiversity, Landscape and Contaminated Land Officers, and the imposition of appropriate conditions, the proposed development is acceptable.

### **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to approve the application subject to the consultation period expiring on 24<sup>th</sup> February, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Director raise issues not previously considered which justify reconsideration by the Committee.**

### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
  - Application Form 19.11.21
  - 29 00 ZZ DR A 2900 Demolition plan - Sheet 01 P3
  - 29 00 01 DR A 2901 Demolition plan - Sheet 02 P3
  - 29 00 02 DR A 2902 Demolition plan - Sheet 03 P3
  - 29 00 ZZ DR A 2910 Retained Building Scope of Works P3
  - 29 00 ZZ DR A 2920 Location Plan at 1:1250 P2
  - 30 00 00 DR A 3000 GA Plan Level 00 P16
  - 30 00 01 DR A 3001 GA Plan Level 01 P16
  - 30 00 02 DR A 3002 GA Plan Level 02 P17
  - 30 00 R2 DR A 3003 Roof Plan P8
  - 36 00 MB DR A 3600 GA Elevations - Main School P9
  - 36 00 MB DR A 3601 GA Elevations - Coutyard P8
  - 36 00 SB DR A 3602 GA Elevations - Sports Hall P8

- 36 00 ZZ DR A 3603 Rendered Elevations Context P4
- 36 00 SB DR A 3604 Rendered Elevations Sports Hall P4
- 36 00 MB DR A 3605 Rendered Elevations - Main School P5
- 36 00 ZZ DR A 3606 GA Elevations - Retained Buildings P3
- 36 00 ZZ DR A 3607 GA Plans and Elevations - Substation P1
- 37 00 S DR A 3700 Detailed Elevations P1
- 39 00 ZZ DR A 3900 GA Sections P6
- 92 00 ZZ VS A 9200 Massing and External Appearance - Arrival P4
- 92 00 ZZ VS A 9201 Massing and External Appearance - Courtyard P4
- 92 00 ZZ VS A 9202 Internal View Hall P5
- 92 00 ZZ VS A 9204 Internal View Sixth Form P4
- 92 00 ZZ VS A 9206 Massing and External Appearance - Arrival - Dusk P2
- 92 00 ZZ VS A 9208 Photomontage Visuals from Monkseaton Drive - Visual 1 P2
- 92 00 ZZ VS A 9209 Photomontage Visuals from Monkseaton Drive - Visual 2 P2
- 92 00 ZZ VS A 9210 Photomontage Visuals from Monkseaton Drive - Visual 3 P2
- 1 08638-BMD-ZZ-00-DR-E-40901-P02 External Lighting Strategy
- D44205/RD/B Proposed Lighting Scheme
- 5480-OBE-XX-XX-DR-L-001 GA Overview, Rev.03
- 5480-OBE-XX-XX-DR-L-010 BB103 Areas, Rev.01, August 2021
- 5480-OBE-XX-XX-DR-L-015, Circulation 1, Rev.02, August 2021
- 5480-OBE-XX-XX-DR-L-016(1), Circulation 2, August 2021
- 5480-OBE-XX-XX-DR-L-020, Existing & Proposed Levels inc Tree Retention & Removal
- 5480-OBE-XX-XX-DR-L-051 Planting Strategy. Rev.03
- 5480-OBE-XX-XX-DR-L-030(1), Proposed Security, August 2021
- 5480-OBE-XX-XX-DR-L-050(1), Proposed Landscaping - Urban Greening Factor
- 5480-OBE-XX-XX-DR-L-070 Existing & Proposed Sections, Rev.03
- NCB-RYD-SS-00-DR-A-3607-S2-P1, Proposed Substation Plans and Elevations
- WBH-RYD-00-00-DR-A-2910-S2-P3 Retained Buildings Scope of Works
- Design & Access Statement P2 RYD 00 XX RP A 0001
- Planning and Community Consultation Statement (inc. Open Space and Playing Pitch Assessments), November 2021
- Sustainability Statement, 08638-BMD-ZZ-XX-RP-M-38752, 12.11.21
- Flood Risk Assessment & Drainage Strategy, Ref: 079553-CUR-00-XX-RP-C-001, V02, 18.11.21
- Transport Assessment, Ref: 079553-CUR-00-XX-RP-TP-001, V01, 18.11.21
- Arboricultural Survey, AIA, AMS & TPP, Ref:ARB/AE/2680 December 2021
- Ecological Impact Assessment, project no. 6547, R03, 16.11.21
- Biodiversity Net Gain Assessment, project no. 6547, R02, 25.1.22
- Biodiversity Metric 3.0 W Bay R02 with sports pitch retained
- External Lighting Assessment Statement, 108638-BMD-00-XX-RP-E-48700, 11.11.21
- Historic Environment Desk-Based Assessment, ref.5478, March 2021

- Coal Mining Risk Assessment, doc.ref. CL102, 16.03.21, v1
- Design Statement (incl. Ground Conditions), Ref: 079553-CUR-00-XX-RP-GE-001, V01, 16.11.21
- Construction Methodology Statement, Rev.B, 12.11.21
- Ventilation Noise and Odour Statement, 08638-BMD-ZZ-XX-RP-M-38751, 11.11.21

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. Notwithstanding the details submitted, the scheme for the means of access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. Notwithstanding the details submitted, the scheme for service vehicles to turn shall be laid out in accordance with the approved plans. This turning area shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. No part of the development shall be occupied until a car park management plan has been submitted to and approved by in writing the Local Planning Authority. This parking management plan implemented upon occupation and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding the details submitted, the scheme for secure and undercover cycle parking provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle parking provision shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Notwithstanding the details submitted, the construction management plan shall be carried out in accordance with the approved details and retained thereafter for the period of construction.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in order to ensure that Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Prior to construction of the approved development above damp-proof course level, a detailed drainage design must be submitted to and approved in writing by the Local Planning Authority. The scheme should include further details on the proposed attenuation features (cross section/long section of attenuation pond and details of underground storage tank construction). The scheme must be implemented in accordance with the approved details and retained thereafter.

Reason: These details are required to be provided early in the construction process to ensure that the drainage details can be agreed so that they can be incorporated into the development as it proceeds having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

12. Notwithstanding any additional information required via condition no.11, the approved development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy" dated "18 November 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 2905 and ensure that surface water discharges to the surface water sewer at manhole 2904. The surface water discharge rate shall not exceed the available capacity of 16 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policy DM5.12 of the North Tyneside Local Plan 2017.

13. Prior the first use and occupation of the approved development a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the approved scheme shall be carried out in full prior to the use and occupation of the site and of the building(s) hereby permitted.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. The use of the sports pitch shall be restricted between the hours of 08:00 and 21:30 hours during Monday to Thursdays, 08:00-20:00 hours Friday and 08:00-12:30 hours on Saturday and Sundays

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Prior to the operational use of the sports pitch a noise management plan shall be submitted in writing for approval by the planning authority and thereafter implemented and maintained.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Prior to the substation being brought into use a noise scheme for the plant and equipment installed within the sub-station must be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142:2014 and must ensure the noise levels do not impact on the amenity of the nearby residential properties on The Chesters and Clifton Grove. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Restrict Hours No Construction Sun BH      HOU00      \*  
4

18. Restrict Hours No Demolition Sun BH      HOU00      \*  
5

19. Noise No Tannoys Externally Audible      NOI002      \*

20. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

21. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels for daytime, evening and night (if the plant or equipment is operating for 24 hours) without the plant operating, at the boundary of the nearest residential premises and include appropriate mitigation measures, where necessary, to ensure the rating level of all external plant and equipment does not exceed the background noise levels. Thereafter the plant must be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

22. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.21 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

23. The height, position, design and materials of any chimney or extraction vent to be provided in connection with the development shall be in accordance with the details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751 and retained thereafter.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

24. All air ventilation systems to be provided in connection with the approved development shall be in accordance with the details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751. The scheme shall be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

25. Prior to the installation of any external refrigeration equipment at the application site in connection with the approved development, full details must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

26. The odour suppression system to be provided in connection with the development shall be in accordance with the details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751. The scheme, which shall be implemented before the development is first occupied in accordance with the approved details, shall therefore be maintained in accordance with the details provided by the manufacturer and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

27. The development shall be carried out in accordance with the submitted scheme which details how mud and other debris will be prevented from depositing onto the highway and how dust arising from construction activities will be suppressed. The scheme includes include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to



spray working areas due to dry conditions. The development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

28. Notwithstanding the approved details and prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

To reduce external lighting that may deter bats using boundary hedges, high intensity security lights should be avoided. Where security lights are required, these should be of minimum practicable brightness, be set on a short timer and be motion sensitive only to larger objects. The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interests of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

29. No deliveries shall be made to the site before 08:00 hrs and after 21:00 hrs Monday - Saturday and no deliveries shall be permitted on Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

## **Informatives**

### **Building Regulations Required (103)**

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

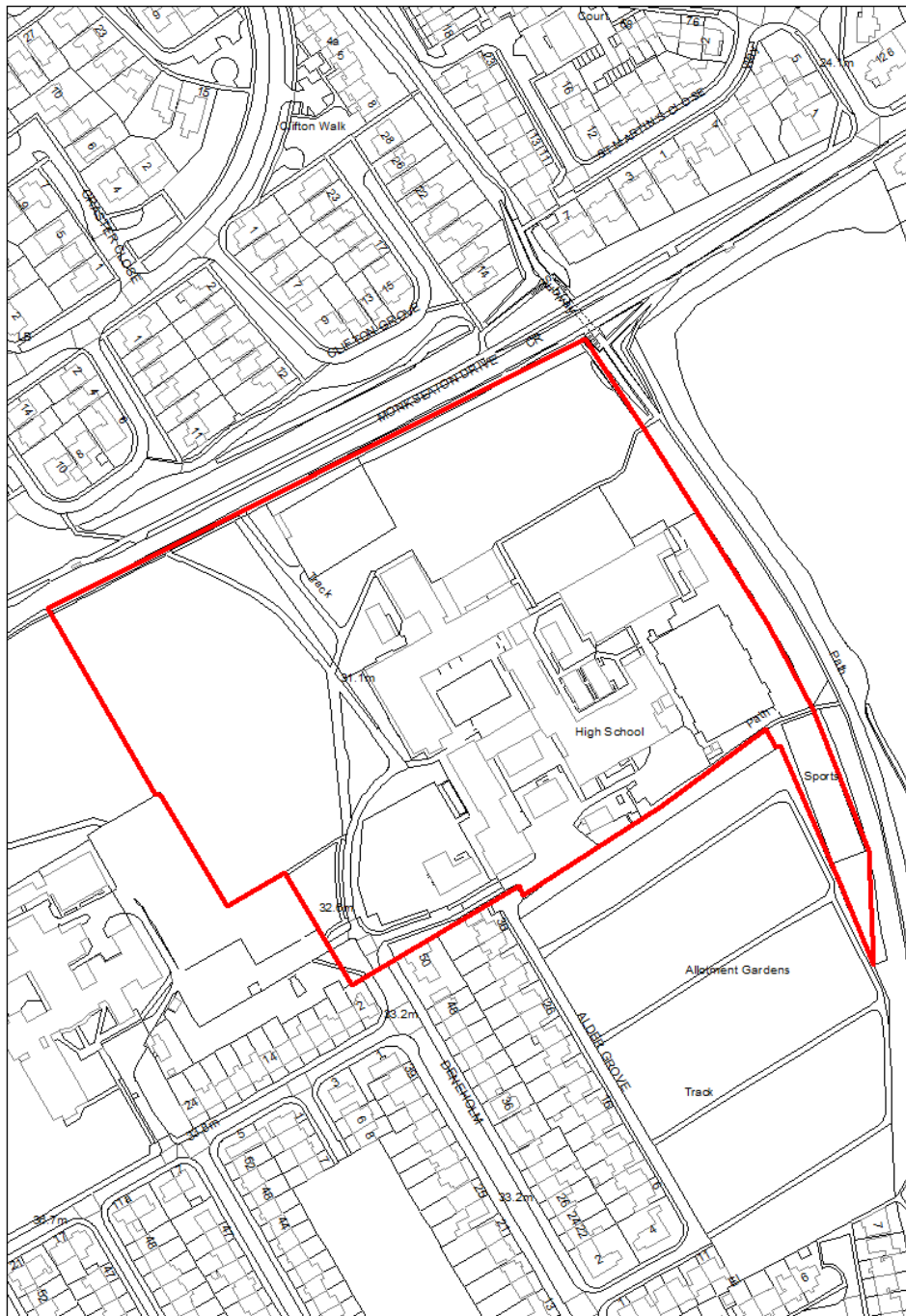
The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

### **Coal Mining Standing Advice (FUL,OUT) (144)**

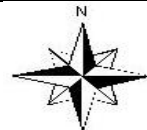


**Application reference: 21/02389/FUL**  
**Location: Whitley Bay High School, Deneholm, Whitley Bay, Tyne And Wear**  
**Proposal: Demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

**1.0 Representations**

1.1 There have been 28no. individual responses to the public consultation from local residents. These are broken down into 16no. objections, 6no. support and 6no. representations (the representations, and several objectors, have advised they do not object to the principle of the proposed works but have raised concerns). The support and objections are summarised below:

**1.2 Support:**

- It is excellent news that funding approval has been given to redevelop the school. WBHS delivers excellent service to students, parents and the community but has been limited by an old, costly and inefficient set of buildings. This new school will enable the school to progress and it is very good news that the design reflects the need to reduce energy-use, provide better facilities and extend the green approach to the building and grounds. It is reassuring that the new design will encourage travel to school by public transport, bicycle and on foot, reducing the amount of car travel.
- It is reassuring that the scheme does not involve adding further road access from Monkseaton Drive which would encourage more traffic and increase congestion.
- Hoping this will help with the traffic congestion and speeding on and around the estate.

**1.3 Objections:**

**1.4 Highways Issues**

- Valley Gardens Estate was built before current traffic volumes. The road widths are inadequate for number of extra vehicles generated by both the High School and the Middle School.
- Moving the entrance/access to the school to Monkseaton Drive would reduce some of the existing harmful impacts for all residents of the estate, i.e. it would reduce traffic and congestion, inconsiderate parking, air pollution and increase highway safety. The existing access across a potentially busy and dangerous hump backed bridge with narrow footpaths (forcing pedestrians into the road at times) over the Metro railway line is the only vehicular access to the whole estate.
- Serious consideration must be given to utilise access from the mini roundabout on Monkseaton Drive for construction traffic initially then permanent access with drop-off, and parking arrangements for both schools. The opportunity is here to get it right this time, and not to perpetuate the problem for residents, and school visitors alike.
- Vehicle access to the schools should be provided from the blind spur on Monkseaton Drive/ Beaumont Drive roundabout, thereby reducing the major problems on Valley Gdns estate.

- The access off the end of Deneholm should be re-aligned so that vehicles exiting both schools are on the correct side of the road. Or an island installed to push cars to the left.
- Will there be a permanent barrier between the existing pedestrian walkway and the road to the drop-off, which will see more traffic on it than present.
- The location of the traffic barrier will cause tailbacks, as people using the facilities at weekends blindly follow sat nav and end up driving down that route at the moment.
- Traffic from parents and those who use both WBHS and VGMS sports facilities at weekends has increased and driving speeds are often dangerous along Deneholm.
- The provision of car parking should not be allowed. There is sufficient public transport serving the school. Cycle stores should be provided in place of the car park. There should be no vehicular intrusion onto the existing footpath.
- I am in full support of Councillors Joe Kirwin, Jane Shaw and Paul Richardson in their endeavour to move the vehicle entrance for both Valley Gardens and Whitley high to Monkseaton Drive, using the existing blind spur at the roundabout at the junction of Monkseaton Drive and Beaumont Drive.

### 1.5 Amenity

- Noise/ pollution of construction will be a major issue to nearby residents, especially ones living near Monkseaton drive as the new building will be built on the perimeter fence on this side.
- Too close to the parameter fence, it will be obtrusive to the estate opposite.
- Renewal of the school should be done using the existing footprint of buildings, proposal will spoil outlook from properties to the west on the opposite side of Monkseaton Drive. It will be visually intrusive, reduce privacy, increase and generate artificial light pollution and reduce the value of properties.
- Granting access from Monkseaton Drive will add to already excessive traffic, create noise and pollution and should be dismissed.
- The siting of the new school building adjacent to a busy road will be detrimental to the school itself in terms of noise disturbance and air pollution.

### 1.6 Character and Appearance/Design/Layout

- Proposal will result in the loss of the green field view for local residents and visitors to the area.
- Significant detrimental effect on the visual amenity of the area which is a gateway to the coast for visitors (travelling West down Monkseaton Drive).
- There are no other buildings sited so closely to Monkseaton Drive from the top of Valley Gardens field all the way down to Holywell Avenue
- Design moves the open space away from view and encloses it between the school and housing, this is completely out of character for the area and sets a precedent of building line which may lead to complete closing out of open view from Monkseaton Drive.

### 1.7 Environment/Greenspace/Biodiversity

- There is not enough green space on the planning, e.g. trees etc. A brand new building should include the most up to date eco standards and feature more wildlife areas/trees.
- The removal of the large trees has created a further reduction in barrier between the new school and nearby residents.

- The parameter should have more shrubs planned to help offset the pollution from the road for the students.
- Complete demolition and rebuild is environmentally irresponsible given the amount of currently encapsulated carbon in the existing buildings. No thought for the immediate or wider environment in this design.
- When the earth is hurtling towards a climate catastrophe I think it is a disgrace that Whitley Bay High School should even be considering such a self-centred and thoughtless action as this. The carbon footprint for a new build is just staggering not only fuel to build and transport materials here but also the actual production of the building materials themselves and no amount of carbon offset can change that.
- The applicant should be repairing, reusing and repurposing the buildings that are already there. Please, please reject this unnecessary building program and instead think of the future of this planet.

### 1.8 Internal Consultees

### 1.9 Biodiversity & Landscape

1.10 The following information will be required to support the application:

- The current 'Proposed Site Plan' (DWG: 5480-OBE-XX-XX-DR-L-001) is an indicative landscape plan that provides no detail of types of planting and specifications. A detailed landscape plan will be required detailing 'existing' landscaping and 'proposed' landscaping that clearly shows what new habitats will be created within the site in accordance with the Biodiversity Net Gain Assessment and Biodiversity Metric spreadsheet. Distinct colour coding of different habitats should also be used on the landscape key to clarify the different habitats proposed within the site. Further detail is required on habitat/landscape specifications and the extent (in sqm) of each habitat/landscape area proposed which should be in accordance with the BNG Assessment.
- The large sports pitch to the west of the site appears to have been included in the BNG assessment as a 'proposed' habitat (modified grassland used for sports pitches), however, it is assumed that this is an existing area that is being retained?
- The Biodiversity Metric Excel spreadsheet is required to support the findings of the BNG Assessment and enable the LPA to assess the calculations and ensure the Landscape Mitigation Scheme is in accordance with this.

### 1.11 Local Lead Flood Authority

1.12 I can confirm that following a review of surface water drainage proposals submitted as part of planning application 21/02389/FUL, I have no objections to the proposal. The applicant is proposing to attenuate surface water within the site for a 1in100 year storm event +40% allocation for climate change using a series of SUDS features including underground storage tanks, attenuation pond and conveyance swales.

1.13 I would recommend that a condition is placed on the application requiring a detailed drainage design to be submitted to the LLFA for approval prior to construction. This should include further details on the proposed attenuation features (cross section / long section of attenuation pond & details of underground storage tank construction).

#### 1.14 Public Rights of Way Officer

- Is the prowl through site to be retained on current line?
- Is there scope to resurface and widen it?
- Can it remain open during construction?
- If access is required across internal roads then there need to be 'false zebras' to retain priority over MVT
- Are the 2 links to the bridleway and Churchill to be enhanced (opened) – is this 24/7? I see no reason why not as we already have a 24/7 path through the site.
- Links on both sides of Monkseaton drive underpass need to be improved to encourage usage.
- Cycle Parking must be overlooked and secure – easily reachable – no hidden right angles to avoid conflict - may require signage to show where it is.

#### 1.15 Highway Network Manager

1.16 This application is for the demolition of existing school buildings, development of a replacement school building & sports hall along with car parking, hard & soft landscaping and access arrangements.

1.17 As part of the application, a Transport Assessment (TA) was submitted that looked at sustainable modes of transport to and from the site. Access remains unchanged and parking will be provided to meet the needs of the site as well as the provision of cycle parking for staff, visitors and students. will be provided as well as a Travel Plan (TP) and the site also has reasonable links with public transport. Conditional approval is recommended.

1.18 Conditions:

1.19 Notwithstanding the details submitted, the scheme for the means of access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.20 Notwithstanding the details submitted, the scheme for service vehicles to turn shall be laid out in accordance with the approved plans. This turning area shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.21 Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.22 Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.23 No part of the development shall be occupied until a car park management plan has been submitted to and approved by in writing the Local Planning Authority. This parking management plan implemented upon occupation and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.24 Notwithstanding the details submitted, the scheme for secure & undercover cycle parking provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle parking provision shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.25 Notwithstanding the details submitted, the construction management plan shall be carried out in accordance with the approved details and retained thereafter for the period of construction.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.26 No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.27 Informatives:

1.28 The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

1.29 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

1.30 The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.



1.31 The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

1.32 The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

1.33 The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

#### 1.34 Sustainable Transport

1.35 This application is for the demolition of existing school buildings, development of a replacement school building and sports hall along with car parking, hard and soft landscaping and access arrangements. As part of the application, a Transport Assessment (TA) was submitted that looked at sustainable modes of transport to and from the site. Access remains unchanged and parking will be provided to meet the needs of the site as well as the provision of cycle parking for staff, visitors and students. will be provided as well as a Travel Plan (TP) and the site also has reasonable links with public transport.

#### 1.36 Recommendation - Conditional Approval

1.37 The conditions would be as follows:

1.38 A Travel Plan is required to be submitted as part of the Planning Application. See attached scope for information to be included within the Travel Plan.

1.39 A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

#### 1.40 Environmental Health (Pollution)

1.41 Thank you for consulting Pollution with regard to this application, I have concerns with regard to potential noise arising from the site from the use of the proposed new sport pitch, and new plant and equipment installed at the redeveloped site. I would also have concerns about potential light pollution and potential dust nuisance from the demolition and construction phase and potential noise from the use of the site during the evening as it is noted the sports facilities will be available for community use thereby extending their use beyond the normal school day. Use of external areas during the evening and at weekend may give rise to concerns over noise from play activities. The premises are located in an area with residential located approximately 50 metres to the north of the site in Clifton Grove and Alder Grove located approximately 7 metres to the

south west of the site adjacent to allotments. The proposed new sports pitch will be located slightly further from the residential properties.

1.42 A noise and ventilation and extraction system report has been provided for the new plant and equipment. The report refers to noise monitoring and background noise levels and the planning statement refers to operational noise break-out from the new school buildings and noise from the new proposed sports pitch not expected to give rise to adverse impacts to the nearest noise sensitive receptors. However, the noise and ventilation and extraction system report does not provide the details of the noise assessment. This information will be required to enable the noise impacts of the development to be considered.

1.43 I note that the proposed sports pitch is to be used until 21:30 hours on Mondays to Thursdays, until 20:00 hours on Fridays and between 08:00 to 12:30 on Saturdays and Sundays. I would require noise from its use during evenings and at weekends to be assessed, including noise arising from spectators attending the matches to determine whether noise mitigation measures are required. The noise assessment needs to include for background noise monitoring for representative times for the use of the pitch and include for impact noises from whistles, loud voice including noise arising from crowd participation and players. Given that there is no specific guidance for sports facilities it will be required to ensure there is no increase of noise of more than 5 dB above background as this is considered to be the onset of adverse impact in accordance to the NPPF. The noise scheme should be to address noise impacts from whistle blowing, impact noise from balls and from spectators. I consider that a good noise scheme should aid in addressing noise from the site.

1.44 Noise, which is not anonymous such as shouting, whistle blowing and impact noise of ball against fence will lead to annoyance. The noise assessment should consider this and include for appropriate mitigation to minimise noise from the development.

1.45 I would therefore recommend the following conditions.

- NOI10 (scheme which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be carried out in full prior to the use and occupation of the site.)

- The use of the sports pitch shall be restricted between the hours of 08:00 and 21:30 hours during Monday to Thursdays, 08:00-20:00 hours Friday and 08:00-12:30 hours on Saturday and Sundays

Reason: To protect the amenity from noise activities

- Prior to the operational use of the sports pitch a noise management plan shall be submitted in writing for approval by the planning authority and thereafter implemented and maintained.

- HOU04 (construction hours)

- HOU05 (demolition hours)

- NOI02 (No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.)

- NOI04 (All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted)

- Noise scheme for external plant and equipment:

For all plant and equipment installed at the site, a noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night (if plant or equipment is operating 24 hours). The rating level for all plant must not exceed the current background noise levels. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

1.46 The noise, ventilation and extraction system report has considered the odour risk from the kitchen extraction and determined that it is low to medium risk. Maintenance and cleaning details have not been provided and can be conditioned. It is unclear from the layout plans if any external chiller units or air condition units are to be installed, a condition can be attached to require details to be submitted. The noise assessment would need to include for all external new plant and equipment.

- EPL01 (Ext Plant Details Extractor Chimney) To comply with details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751

- EPL02 (Ext Plant Details Ventilation System) To comply with details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751

- EPL03 (Ext Plant Details Refrigeration Plant)

- EPL04 (Ext Plant Details Odour Suppression) To comply with details provided in document reference 108638-BMD-ZZ-XX-RP-M-38751

- The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

1.47 Dust control during demolition and construction:

I have viewed the construction method statement which has included for measures to mitigate against dusts arising during construction. However, the document does not provide details on the demolition plan and I would require further information on the control of dust arising during demolition. Concerns over dust mitigation measures during demolition.

- SIT03: Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and

used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

#### 1.48 External Lighting:

A lighting assessment has been provided and this has considered lighting levels based on environmental zone E3. The report suggests a pass for light trespass into windows for the threshold levels for pre- and post-curfew. However, the report then provides a note to advise that this could not be calculated as no housing was shown on the drawing and that for post curfew an assumption all lighting will be switched off. I would therefore require verification via the provision of an isolux drawing that confirms that the lighting levels for E3 will be achieved for pre-curfew and post curfew if the lighting will operate after 23:00 hours.

- LIG01 (Flood Lighting Scheme Details – prior to installation)

- Non standard condition: Deliveries to School Site

No deliveries shall be made to the site before 08:00 hours and after 21:00 hours Monday to Saturday and no deliveries shall be permitted to the site on Sundays and Bank Holidays

Reason: To protection neighbouring residential premises from noise disturbance.

#### 1.49 External Consultees

##### 1.50 Sport England

1.51 Holding Response Received.

##### 1.52 The Coal Authority

1.53 The Coal Authority's Planning and Development Team considers that the content and professional opinions expressed in the Coal Mining Risk Assessment report and subsequent Phase 2: Site Investigation report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

1.54 To clarify, in light of additional information submitted, we no longer require the imposition of site investigation/remediation conditions on any permission granted, as requested in our previous consultation response letter.

##### 1.55 Tyne and Wear Archaeology Officer

1.56 The applicant has provided an archaeological desk-based assessment for the site. The report reviewed cartographic and other historical sources, records of previous archaeological interventions, the Historic Environment Record for Tyne and Wear, and the National Monuments Record, within 1km of the proposed development area. It included a site walk-over survey. The report concluded that the site has some potential for archaeological remains dating to the prehistoric or Roman periods. Any archaeological remains may have been impacted by the construction of the school and playing fields in the 1960s.

1.57 The submitted plans indicate that the principal area of new development is immediately to the north of the existing buildings (Zone B in the Design and Access Statement), whilst the area to the west will remain as existing (Zone A in the Design and Access Statement). The area to the north has previously been developed as sports pitches and playing fields. Taking into account the previous development on the site, I consider that the remaining archaeological potential is low, and no further archaeological investigation is required.

#### 1.58 Northumbrian Water Limited

1.59 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment & Drainage Strategy". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public combined sewer at manhole 2905. Surface flows will discharge to the existing public surface water sewer at manhole 2904, at a restricted rate of 16 l/sec. We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

1.60 **CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy" dated "18 November 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 2905 and ensure that surface water discharges to the surface water sewer at manhole 2904. The surface water discharge rate shall not exceed the available capacity of 16 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

**REASON:** To prevent the increased risk of flooding from any sources in accordance with the NPPF. It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.

#### 1.61 Northumbria Police

1.62 No objections to the proposals. However, we would like to take this opportunity to promote the Secured by Design (SBD) Schools (2014) Accreditation. Secured by Design (SBD) is a police initiative and aims to reduce crime in our built environment, the guidance for schools incorporates several new and improved security standards that have been developed to address emerging criminal methods of attack. Details can be found on the Secured by Design website [www.securedbydesign.com](http://www.securedbydesign.com)

#### 1.62 Natural England

1.63 Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

1.64 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

1.65 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is

**Application No:** 20/01271/FUL Author: Maxine Ingram  
Date valid: 11 September 2020 ☎: 0191 643 6322  
Target: 11 December 2020 Ward: Benton  
decision date:

Application type: full planning application

**Location: 2 Eastern Villas, Springfield Park, Forest Hall, NEWCASTLE UPON TYNE, NE12 9AE**

**Proposal: Change of use of a vacant former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021)**

Applicant: Springfield Park Holdings SPV1 Ltd, 27 The Oval Newcastle Upon Tyne

Agent: Savills UK Ltd, Shaun Cuggy 71 Grey Street Newcastle Upon Tyne NE1 6EF

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - Ecology and Biodiversity - £1, 200.00 towards habitat creation/mitigation and footpath improvements at Springfield Park.
  - Equipped area for play - £8, 400.00 towards equipped play sites in the vicinity of the development in the north west of the borough.
  - Primary Education - £25, 000.00 towards increase in capacity in either existing or new provision.
  - Employment and Training - £3, 000.00 towards delivering employability interventions to upskill local residents.
  - Coastal Mitigation £1, 661.00 towards coastal mitigation.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

1.0 The main issues for Members to consider in this case are:

- Principle of the development,
- Impact on amenity (visual and residential).
- Impact on highway safety.
- Impact on biodiversity; and,
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and take into account any other material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The site to which this application relates is Springfield House, formerly occupied as a care home (Use Class C2). The site measures approximately 0.13 hectares (ha). The existing property occupies a position close to the access junction with Station Road. The site is bound by existing residential development to the north of the site. Allotments are located to the east of the site. Community facilities and parking provision are located to the south of the site. Other local amenities are located beyond Station Road to the north.

2.2 The site can be accessed from Springfield Park. There is a gated vehicular access to the western boundary and an existing pedestrian access to the southern boundary. The site is enclosed by varying boundary treatments: stone wall with railings and gated access to front; timber fence to north boundary; timber fence to southern boundary with an existing gated access; and a stonewall to the eastern boundary.

2.3 There are a small number of existing trees and groups of trees located along the southern and western boundaries of the site. A group of trees covering the southern and western boundaries are protected by a Tree Preservation Order (TPO).

2.4 Springfield Park is locally listed (Ref: 07/0100/LOCAL). The detailed description states:

“A neighbourhood park established circa 1940s. The park has bowling greens, tennis courts, a play site, gardens, a community centre and a Day Care Nursery. An important piece of open space in a built-up area that is well-loved by locals.”

### 3.0 Description of the Proposed Development

#### 3.1 Background information

3.2 This planning application originally sought consent for a change of use to deliver 12 dwellings. This was subsequently reduced to 11 dwellings in the absence of a bat survey for the roof of the building and subject to a resolution to grant planning consent at planning committee in February 2021 subject to



completion of the S106 Agreement. As the S106 has yet to be signed to enable the issuing of decision notice for the 11 dwelling consent and as bat surveys are now completed, the application has been revised to re-introduce and justify the 12<sup>th</sup> dwelling.

3.3 Planning permission is sought for a change of use of from a former care home (Use Class C2) to provide 12 no. residential apartments (Use Class C3) with associated parking, landscaping and other associated infrastructure.

3.4 The proposed change of use will not increase the floor space or massing of the building. It seeks only to make the internal adjustments necessary to facilitate the residential use and some minor external alterations.

3.5 The proposed residential apartments will comprise the following:

- 7 no. 2 bedroom
- 3 no. 1 bedroom
- 2 no. 1 bedroom studio

#### 4.0 Relevant Planning History

07/03203/LAREG3 - The erection of new fencing to Springfield Park entrance – Permitted 20.11.2007

90/00504/REM - Approval of Reserved Matters. Home for the elderly and construction of new highway – Permitted 05.07.1990

89/02130/OUT - Demolition of derelict dwelling house and erection of 2 storey home for the elderly (approx. 32 beds) – Permitted 06.02.1990

88/01471/FUL - 12 no. 2 bedroom flats in a 3 storey block – Refused 01.12.1988

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle of the development,
- Impact on amenity (visual and residential).
- Impact on highway safety.
- Impact on biodiversity; and,
- Other issues.

7.2 Consultation responses and representations received because of the publicity given to this application are set out in the appendix of this report.

### 8.0 Principle of development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as the 'tilted balance.'

8.4 Paragraph 60 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.6 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan (LP) contributes towards achieving sustainable development for North Tyneside are set out under

Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.7 LP Strategic Policy S1.4 'General Development Principles' states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan." Amongst other matters, this includes considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.8 The overarching spatial strategy for housing is to protect and promote cohesive, mixed, and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

8.9 LP Policy S4.3 Distribution of Housing Development Sites states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes.

8.10 LP Policy DM1.3 'Presumption in Favour of Sustainable Development' states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area...."

8.11 LP Policy DM4.5 'Spatial Strategy for Sustainable Growth' sets out policy requirements for residential development on sites not identified on the Policies Map. Amongst other matters this includes making a positive contribution towards identified housing need, being accessible to a range of sustainable transport modes, make the best and most efficient use of available land, making a contribution towards creating healthy, safe, attractive and diverse communities and demonstrating accordance with the LP.

8.12 The application site, brownfield land, is not allocated for any specific use in the Local Plan (LP). It is located close to the district centre of Forest Hall which offers a range of local facilities and services, including access to bus services. Future occupants will also be able to access the Metro (Benton Metro Station). The proposed development would bring this building back into a more sustainable use. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of bringing this building back into a residential use would accord with the advice set out in the NPPF and policies S4.1, DM1.3 and DM4.5 of the LP.

#### 9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

#### 10.0 Impact on amenity (visual and residential)

10.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Further advice on achieving well-designed plans is set out in paragraph 130 of the NPPF.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities.

10.4 Paragraph 131 of the NPPF states "Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change." It goes on to state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 LP Policy DM6.1 Design of Development states: "Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context, and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.”

10.7 LP Policy DM4.6 ‘Range of Housing Types and Sizes’ seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

10.8 LP Policy DM4.9 ‘Housing Standards’ states that the Council will require that new homes provide quality living environments for residents both now and in the future. All new homes, both market and affordable, are to meet the Government’s Nationally Described Space Standards (NDSS). Members are advised that the housing standards policy does not apply to this application. Paragraph 7.112 of the explanatory text states that the application of NDSS “does not apply to an extension or a material change of use”.

10.9 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.10 LP Policy DM7.9 ‘New Development and Waste’ states “All developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.”

10.11 This application seeks to convert a former residential care home into 12no. residential apartments/studios. The existing layout of this two-storey building is largely the same on both ground and first floor, with a central corridor providing access to the separate rooms. Access to the first floor will be provided by a new staircase at the main entrance.

10.12 The proposed conversion seeks to utilise as much of the existing structure as possible, re-using the existing corridor for access to the new units. Existing external openings are retained and dictate the internal layouts of the apartments ensuring all main bedrooms and living spaces have openable windows. Some existing external doors will be replaced with windows.

10.13 The objections received from No. 1 Eastern Villas, located to the north of the site, are noted. Members are advised that the applicant has re-introduced

Unit 12 which is site on the first floor (north east corner). The windows serving bedroom 1 and the kitchen living area utilise the existing window openings to the east and south. Four roof lights are proposed. It is not considered that the siting of these rooflights will significantly affect the privacy of No. 1 Eastern Villas. The alterations proposed to the north elevation relate to the ground floor only utilising existing openings. Currently there are five openings in this elevation: a door and window serving a former kitchen area, a bathroom window, double doors serving a boiler room and a door serving a fire escape. The door openings will now be replaced with windows that will serve units 5 and 6. The impact on loss of privacy to this neighbouring property is noted. The objector states that these windows will be sited approximately 0.3m above the existing boundary treatment. Whilst this may cause some loss of privacy to part of their garden area, this impact is not considered to be sufficient to sustain a recommendation of refusal. The other objections relating to noise and dust during construction and impacts on highway safety following completion of the development. These objections will be addressed in the latter sections of this report.

10.14 The design comments make specific reference to the layout of Unit 12. The applicant has addressed these comments by amending the layout of Unit 12 so that the open plan living area and bedroom 1 are served by windows. The open plan living area will also be served by roof lights. It is noted that bedroom 2 will only be served by roof lights. Members will need to balance one bedroom out of the 12 apartments being served by roof lights only against bringing this building back into a residential use. The revisions to the layout of Unit 12 required Unit 10 to be reduced from two bedroom to one bedroom.

10.15 The design comments also make specific reference to concerns regarding the size of the units 3 and 9 (1 bed studio apartments). The comments also make specific reference to the fact that these units are single aspect. Members are advised that paragraph 7.112 of the explanatory that the application of NDSS does not apply to an extension or material change of use. The applicant has advised that this development has not been explicitly designed in line with the NDSS but has been designed to provide sufficient residential amenity and in accordance with the relevant Building Regulations. Each apartment includes an open plan living/dining/kitchen arrangement. Except for bedroom 2 in Unit 12, windows will serve the habitable rooms of each apartment. Some apartments will have access to private outdoor amenity space (Plots 1, 2, 3 and 4). Members will need to balance the layout and size of the units against bringing this building back into a residential use.

10.16 Existing parking is provided within the north western part of the site. This existing parking will be utilised to accommodate seven parking spaces and a bin store. A condition is recommended to secure the final details of the bin store. Additional parking is provided to the south of the existing parking area creating an additional three parking bays. The additional parking will be accessed via a separate opening to be created in the western boundary. The use of grass crete will assist in reducing the visual impact of the additional parking.

10.17 The design comments express concerns regarding the proposed two storey cycle shelter proposed to the rear of the site in terms of its visual impact and access to it. The proposed site layout shows the location of the proposed

cycle store and its relationship to the habitable windows serving the proposed units. On balance, subject to securing an appropriate design and visual appearance, it is not considered that the outlook from the proposed units would be significantly affected to such an extent that will sustain a recommendation of refusal. It is considered that a condition can be imposed to secure the final details of the cycle shelter and a condition can be imposed to secure the details of any new boundary treatments or alterations to the existing boundary treatments.

10.18 The comments received from Northumbria Police are noted. It is clear from their comments that they have not objected. Informatives are suggested to advise the applicant that they should consider the future security of the site.

10.19 Trees to the western and southern boundaries of the site (T1, T2 T3, T4, N1, N2 and N3) are protected by the Longbenton No.2 Tree Preservation Order (TPO) 1971 and located within G5 of the Order and includes the sycamore trees.

10.20 LP Policy DM5.9 Trees, Woodland and Hedgerows of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

10.21 The Council's Landscape Architect has been consulted. She has provided a summary of the works proposed in her comments as set out in the Appendix to this report. She had advised that the detailed comments previously provided for the 11 apartments still stand including the previously suggested conditions.

10.22 The submitted Arboricultural Impact Assessment (AIA) and supporting information advises that the existing access will be utilised. To the north of this access the proposed bin store will require the removal of one small group of trees (Group 1). The Landscape Architect considers the removal of this group of trees to be acceptable.

10.23 The alterations required to accommodate the parking provision will result in construction works occurring within the root protection area (RPA) of protected trees T1, T2 and T3. These works will also require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4. The proposed cycle store will be located to the east of the site and within the RPA of T7.

10.24 The supporting information advises that the hardstanding for the proposed bin store, cycle store and additional parking bays will be constructed using grass crete. There are benefits to using grass crete but in order to fully function it requires excavation into existing grassed areas for the underlying layers, compaction of the subbase, formwork, potentially mesh reinforcement, with concrete usually poured from heavy construction vehicles which will require access across the root protection areas of trees on the site. It is proposed that the grass crete will be installed above existing ground levels using a no-dig method that avoids unnecessary excavation within the root protection area and avoiding any significant adverse impact on trees to be retained. An existing gated access is to be retained to the southern boundary which could potentially be used to access the area near T7.

10.25 The Landscape Architect previously advised that the proposed construction works and associated vehicle movements around the site can impact on the long term health of the protected trees. The Arboricultural Method Statement (AMS) recommends that the developer appoints a suitably qualified arboriculturalist to monitor and oversee the implementation of the works on site and in accordance with an approved method statement. This is an important requirement as without this the potential impacts on protected trees from this level of work would not be acceptable and unable to meet the requirements of Policy DM5.9. This can be conditioned.

10.26 It is clear from the Landscape Architect's comments that appropriate mitigation can be secured by imposing the suggested conditions. Subject to imposing these conditions, it is the view of the case officer, that the trees to be retained can be adequately protected.

10.27 The Manager for Environmental Health (Pollution) has been consulted. They have raised no objection in principle to this development, subject to conditions to control the hours of construction and dust mitigation. By imposing these conditions, the impacts on the amenity of neighbouring properties will be protected.

10.28 Members need to consider whether the proposed development is acceptable in terms of its design and layout and its impact on residential amenity. It is officer advice that the proposed number of units can be accommodated within the site without significantly impacting on the TPO'd trees or affecting the residential amenity of existing and future residents. Members need to consider the amount of development proposed and the layout and balance this against bringing this building back into a residential use. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP policies DM6.1, DM7.9 and DM5.9 and the Design Quality SPD.

### 11.0 Highways

11.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.12 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.13 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

11.14 LP Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.



11.15 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

11.16 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.17 Access to the site is provided off Springfield Park. It is located close to the Forest Hall District Centre and other local services.

11.18 The level of parking provision proposed does not comply with the council's maximum parking standards. This application relates to a change of use and when considering the former use of the site, it is officer advice, that the proposed level of parking provision is considered acceptable. A small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF. Furthermore, the site also has reasonable links to public transport and cycle storage will be provided.

11.19 The Highways Network Manager has been consulted. He has recommended conditional approval. It is considered that the proposed construction method statement will mitigate disruption to the highway network during construction and the parking management condition will assist in mitigating impacts following completion of the development.

11.20 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

## 12.0 Impact on biodiversity

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

12.2 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated for the planning permission should be refused.

12.4 LP Policy S5.4 Biodiversity and Geodiversity seeks to protect, create, enhance and manage sites within the borough relative to their significance.

12.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and for all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

12.6 LP Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects will require an appropriate assessment. Proposals that adversely affect a sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

12.7 LP Policy DM5.7 'Wildlife Corridors' states: "Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement." This site lies adjacent to a wildlife corridor.

12.8 The Council's Biodiversity Officer has been consulted. She has considered the updated Bat Survey. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided. Subject to imposing the suggested conditions, the impacts on protected species can be appropriately controlled by imposing the suggested conditions.

12.9 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and

information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (£151.00 per dwelling). The applicant has agreed to pay this financial contribution.

12.10 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity. It is officer advice that, subject to conditions and securing the coastal mitigation contribution, this development will avoid harm to biodiversity in accordance with the advice in NPPF and LP policies S5.4, DM5.5, DM5.6 and DM5.9.

### 13.0 Other issues

#### 13.1 Flooding

13.2 Paragraph 167 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment....”

13.3 Northumbrian Water (NWL) has been consulted. They have advised that as the proposal is for the conversion of an existing building there will be no impact on the ability of their network to accept flows. They would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

13.4 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that it is acceptable.

#### 13.5 Ground conditions

13.6 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e., mining or land remediation.

13.7 Paragraph 184 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

13.8 LP Policy DM5.18 ‘Contaminated and Unstable Land’ requires proposals to be accompanied by the relevant reports where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment.

13.9 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

13.10 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

13.11 Members need to consider whether the site is appropriate for its proposed use. It is officer advice that it is.

### 13.12 Archaeology

13.13 Paragraph 205 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

13.14 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

13.15 The Tyne and Wear Archaeology Officer has been consulted.

13.16 The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas.

13.17 The Tyne and Wear Archaeology Officer has advised that the proposed conversion will not have any impact on the significance of Springfield Park. Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development. She considers that the proposal will not have a significant impact on any known heritage assets, and no archaeological work is required.

### 13.18 Aviation Safety

13.19 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development.

## 14.0 S106 Contributions

14.1 Paragraph 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

14.2 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

14.3 LP Policy S7.1 ‘General Infrastructure and Funding Statement’ states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

14.4 LP Policy DM7.2 'Development Viability' states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

14.5 LP Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

14.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

14.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

14.8 Paragraph 64 of the NPPF provides an incentive for brownfield development on sites containing vacant buildings. PPG states specifically that "Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings". The floorspace of the existing building will not increase as a result of this development, the vacant building credit would wholly offset any affordable housing requirements.

14.9 The S106 contributions relating to biodiversity, equipped play for parks, primary education and employment and training are considered necessary directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP polices.

#### 15.0 Local Financial Considerations

15.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

15.2 The proposal involves the creation of 12 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a

government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

15.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

15.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

#### 16.0 Conclusions

16.1 Members should carefully consider the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

16.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16.3 Members need to consider the impacts of the proposed development as set out in paragraph 1.0 of this report.

16.4 This proposal would bring back into use a current brownfield site located in an existing built-up area. The site is close to existing local services (shops, community facilities and public transport).

16.5 The council does not have a 5-year supply of housing. This proposal would contribute towards the requirement for the Council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

16.6 The design and layout of the proposal, on balance, would not have an adverse impact upon the character and appearance of the site or significantly impact on the residential amenity of immediate neighbouring properties.

16.7 The proposal would provide adequate parking provision and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

16.8 Subject to imposing the suggested conditions, the proposal would not result in a significant impact on protected species or existing landscape features.

16.9 The site is of no/low archaeological value.

16.10 Issues to do with flooding and contaminated land can be dealt with via conditions.

16.11 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking.

16.12 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - Ecology and Biodiversity - £1, 200.00 towards habitat creation/mitigation and footpath improvements at Springfield Park.**
  - Equipped area for play - £8, 400.00 towards equipped play sites in the vicinity of the development in the north west of the borough.**
  - Primary Education - £25, 000.00 towards increase in capacity in either existing or new provision.**
  - Employment and Training - £3, 000.00 towards delivering employability interventions to upskill local residents.**
  - Coastal Mitigation £1, 661.00 towards coastal mitigation.**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Site location plan P-00.01 X
- Existing site plan P-10.01 X
- Existing elevations P-30.01 X
- Existing roof plan P-20.03
- Existing first floor plan P-20.02 X
- Existing ground floor plan P-20.01 X
- Site cross section B-B P-10.05 A
- Proposed site plan colour render P-10.03 C
- Proposed plans revised option roof plan Dwg No. AP112 P1
- Proposed elevations Dwg No. AE210 P2
- Proposed plans revised option 2 ground floor Dwg No. AP110 P2

Proposed plans revised option 2 first floor Dwg No. AP111 P4  
Proposed site plan Dwg No. P-10.02 F  
Proposed Section A-A Dw No. P-40.01 B  
First floor demolition plan P-20.08 B  
Ground floor demolition plan P-20.07 X  
Bat Suvey Report (Dated September 2021) by OS ecology  
Aboricultural Method Statement inc. Impact Assessment (Dated November 2020) by Elliot Consultancy Ltd  
Aboricultural Impact Assessment (Dated September 2020) by Elliot Consultancy Ltd  
Reason: To ensure that the development as carried out does not vary from the approved plans.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These details must include tree protection measures for the trees to be retained. Details of access for heavy vehicles for the installation of Grasscrete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grasscrete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grasscrete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval. The approved



statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.9 DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of facilities, including elevations and materials, to be provided for the storage of refuse, recycling and garden waste to accommodate eleven residential units and details of collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of any part of the development hereby approved and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

7. No part of the development hereby approved shall be occupied until a parking management scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety having regard to Policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of an undercover cycle parking scheme shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is occupied and permanently retained and maintained.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Council Local Plan (2017).

9. Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or

hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence. Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to the commencement of any development hereby approved a revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev E. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

12. All works within the root protection areas (RPA) of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval prior to any works commencing onsite.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

13. No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

14. Prior to carrying out any works to existing boundary treatments or the construction of any new boundary treatments details indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS. Alternatives to timber treatments that are injurious to mammals will be sought and used on site (see [http://www.jncc.gov.uk/pdf/batwork\\_manualpt4.pdf](http://www.jncc.gov.uk/pdf/batwork_manualpt4.pdf)). Thereafter, these agreed works shall be carried out in full accordance with these details.

Reason: To ensure existing landscape features to be retained are protected during construction and securing a satisfactory external appearance having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

15. Prior to any pruning works being carried out details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the pruning works shall be carried out in accordance with these agreed details. Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

16. Prior to the commencement of any part of the development hereby approved an arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to the occupation of any part of the development hereby approved a landscape plan for the planting of 1 no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, is removed, dies or becomes seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory external appearance is secured regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

18. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bird boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

20. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bat boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

21. Prior to the installation of any external lighting a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK". Thereafter, this agreed scheme shall be carried out in full accordance with these details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

22. The development hereby approved shall be carried out in full accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

23. The materials to be used for any alterations to the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and

texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

24. Notwithstanding any other details shown on the plans hereby approved, the section of window serving the living accommodation of Units 4 and 10 that is closest to the bedroom window of Units 3 and 9 shall be fixed shut without any opening mechanism and glazed in obscure glass to a Level 3 or above. These section of windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Northumbria Police have provided some advice on the following: -Development should be designed to prevent unauthorised access from the side of the property into the site, particularly the proposed cycle store. -The cycle store must be designed securely to prevent the theft of cycles. -Boundary treatments should be designed to improve natural surveillance, particularly for those using the cycle store. -Recommended lighting of the communal car park and communal parts of the development (as recommended by BS 5489-1:2013). -Recommended the use of access control measures to the main entrance.

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

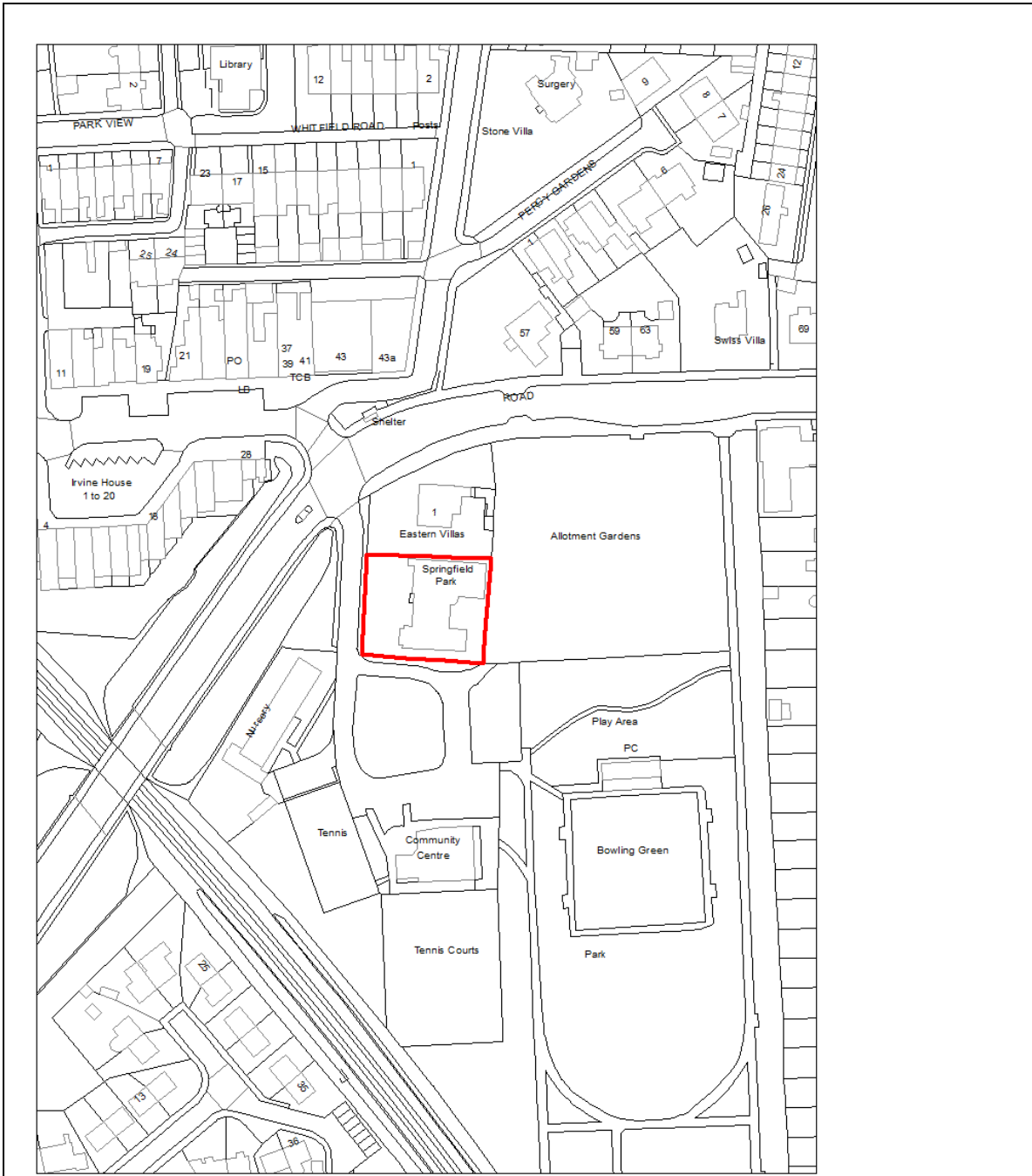
The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

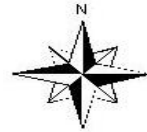


**Application reference: 20/01271/FUL**  
**Location: 2 Eastern Villas, Springfield Park, Forest Hall**  
**Proposal: Change of use of a vacant former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a change of use of a former care home to provide 12 residential apartments with associated parking, landscaping and other associated infrastructure.

1.3 The site has been established for some time and whilst parking is not being provided in accordance with current standards, when taking into account the previous established use and conversion to the proposed use the level of parking is considered to be acceptable and a small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF.

1.4 Furthermore, the site also has reasonable links to public transport and cycle parking will be provided. For these reasons and on balance, conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until a parking management scheme for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in



constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These details must include tree protection measures for the trees to be retained. Details of access for heavy vehicles for the installation of grass crete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grass crete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grass crete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

#### 1.7 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

### 1.8 Landscape Architect

1.9 The application is for a change of use of a former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021).

1.10 Originally planning consent was sought for the change of use of the care home to deliver 12 dwellings. This was subsequently reduced to 11 dwellings later. However, the application is now revised to re-introduce the 12th dwelling. As such, this application comprises an updated version of the original report which takes into account recent changes in national planning policy. The revised development for 12 dwellings includes 10 parking spaces on the site, the same number proposed on previous submitted plans. However, the proposals would also see the delivery of greater than 2 cycle parking spaces per dwelling, providing a 30 bike storage unit.

1.11 Trees to the western and southern boundaries of the site (T1, T2 T3, T4, N1, N2 and N3) are protected by the Longbenton No.2 Tree Preservation Order (TPO) 1971 and located within G5 of the Order and includes the sycamore trees. Policy DM5.9 Trees, Woodland and Hedgerows of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

1.12 In summary the works comprise of:

-An existing access to the site will be utilized. To the immediate north of this access, it is proposed to install a new and larger bin store to replace a smaller existing bin store at this location. This will require the removal of one small group

of trees (Group 1) comprising of Holly which has been assessed as Category C. Its removal is considered acceptable.

-Within the site, the current car park layout will be increased in size. Currently on site, the parking areas are block paved but the increase in size will result in construction works, occurring within the root protection area (RPA) of protected trees T1, T2 and T3.

-To the south a new car park area will be constructed in the existing grassed area and accessed from a new opening in an existing stone boundary wall. Works will require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4.

-A cycle store will be located to the east of the site and within the root protection area of T7.

1.13 Detailed comments of the impacts of the 12 unit proposal in relation to the existing trees on the site have been previously provided. Therefore, the same comments and conditions will apply as previous.

1.14 Suggested conditions:

Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

A revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev F. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees')

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, bike store, installation of drop kerbs, foundations, lighting, and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval.

No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

A plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.

Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works. Details of access for heavy vehicles for the installation of grass crete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grass crete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grass crete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval.

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a landscape plan for the planting of 1 no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and

planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, be removed, die or become seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

#### 1.15 Biodiversity Officer

1.16 The above application has been amended to increase the number of residential units from 11 to 12. As a result, the application now includes works to the roof which include 5no. new velux windows to apartment 12. This is confirmed in the D&A Statement which provides details of the roof plan and states:

*“The existing roof is to be retained, this will be punctuated on the North side of the roof with 5no. new velux windows to provide natural daylight and ventilation to unit 12”*

1.17 An updated Bat Survey has been undertaken by OS Ecology (September 2021) and submitted to support the application. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided.

1.18 The following conditions should be attached to the application:

#### 1.19 Conditions:

In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

The scheme will be undertaken in accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

2no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

2no. bat boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

External lighting will be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "*Bats & Artificial Lighting in the UK*". Details of lighting to be submitted to the LPA for approval within 4 weeks of development commencing on site.

A detailed Landscape Scheme will be submitted to the LPA for approval within 4 weeks of development commencing on site and should provide native scrub/trees to mitigate for the loss of planting within the site

### 1.20 Design

1.21 Revised plans have been submitted which do not address previous concerns.

1.22 The quality of accommodation of some units is still a concern. Units 3 and 9 do not comply with space standards and are single aspect. The Design Quality SPD states "*that residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a demonstration that adequate lighting can be achieved.*"

1.23 There is a significant concern about the quality of accommodation in unit 12. The living area and kitchen has no direct outlook as there are only rooflights. There is only one window with an outlook which is in the bedroom. In the living room, kitchen and bathroom there is also a reduction of useable space due to the sloping ceiling.

1.24 A two-storey cycle shelter is proposed to the rear of the site and concerns remain about what this would look like and the impact on residential outlook. No detailed design or further information has been submitted. Due to the potential impact of such a tall structure, this matter should be addressed as part of the planning application rather than through a condition. The access to the cycle store is via a long footpath which has boundaries on both sides and may feel unsafe to use.

1.25 Overall, the quality of accommodation and cycle parking is poorly designed which reflects an unacceptable and over intensification of residential use on the site.

1.26 Officer note: The applicant has submitted an amended layout to address the comments regarding Unit 12.

### 1.27 Manager of Environmental Health (Pollution)

1.28 I have no objection in principle to this development but would recommend hours of construction are attached and dust mitigation.

HOU04  
SIT03

### 1.29 Manager for Environmental Health (Contaminated Land)

1.30 I have no objection in principle as the majority of the works are to take place internally. If any spoil is produced as a result of external landscaping, then it should be disposed of at a suitably licensed facility.

### 1.31 Sustainable Transport

1.34 This application is for a vacant former care home to provide 12 residential apartments with associated parking, landscaping and other associated infrastructure. The site has been established for some time and anticipated travel impacts as a result of this change would not be considered substantial. The proposed number of dwellings does not trigger the need for a Travel Plan in line with LDD12.

1.35 Recommendation – Approval.

## 2.0 Representations

### 2.1 Objections

2.2 Two objections have been received. These objections are set out below:

-Loss of privacy.

-As the neighbour to the development my main concern is loss of privacy. On the new north elevation there are 7 new dormer style windows at 1st floor level which should be high enough to avoid loss of privacy to our garden. At ground floor level there will be 5 windows - 2 existing and 3 new conversions from the existing doors. Previously the only intrusion has been the existing kitchen window and we planted some small trees in front to prevent loss of privacy. All these windows are about 300mm above the fence line and we would request a discussion with the developers to resolve this.

-Other concerns are the noise and dust generated during refurb works which we trust will be managed in a reasonable way, and the traffic generated from the development. It is a particularly busy area when children are being dropped at the nursery early morning and the entrance back onto Station Road North is challenging during rush hour.

We trust that consideration can be given to the above points and in general we welcome the development to enhance the residential status of the area.

### 2.3 Support

2.4 One letter of support has been received. The comments in support of this application are set out below:

Good use of an existing building and reasonable / well designed overall. A good amount of thought has been given to the overall scheme. Shame the parking and

outside space is restricted, however given its local position to buses, The Metro the nearby shops and Springfield Park, I imagine this can be overlooked.

### 3.0 External Consultees

#### 3.1 Northumbrian Water

3.2 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.3 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

3.4 Having assessed the proposed development against the context outlined above I can confirm that as the proposal is for the conversion of an existing building there will be no impact on the ability of our network to accept flows. However, Northumbrian Water actively promotes sustainable surface water management across the region, and we would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

#### 3.5 Tyne and Wear Archaeology Officer

3.6 *Officer note: I have no comments on the amendments and my previous comments remain valid.*

3.7 The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas. The proposed conversion will not have any impact on the significance of Springfield Park. Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development.

3.8 I consider that the proposals will not have a significant impact on any known heritage assets, and no archaeological work is required.

#### 3.9 Newcastle International Airport Limited (NIAL)

3.10 *Officer note: No further comments to make.*

3.11 No objection.

#### 3.11 Northumbria Police

3.12 *Officer note: No additional comments to make from their original observations dated 3<sup>rd</sup> August 2021.*



3.13 I have reviewed the drawings and we have no objection; it is always welcome to see old buildings redeveloped and not left vacant.

3.14 I do however have some comments in relation to the external of development and these are listed below:

Pedestrian access gate to the side of the property – can it be clarified how this will be secured to prevent unlawful access to the rear of the development and cycle store.

Cycle Store - The Design and Access Statement (DAS) mentions a “lockable cycle store accommodating 2 bikes per apartment.....hidden from public view”, there is no mention of the type of cycle store or how this will be secured to prevent the theft of cycles. We would always recommend communal cycle storage should be located within view of active rooms. It is also recommended that cycle stores are lit at night with energy efficient LED lights.

Boundary Treatments – I can find no mention in the DAS or drawings with regards to the boundary treatments and whether existing fences will be retained or replaced. My main concern around part of the treatment is the gate access to the cycle store and what appears to be narrow footpath behind Plot No. 2. Ideally the sub divisional fencing in this part of the development should be a 1.5m solid fence with a 300mm trellis topping, this will still allow for security to Plot No.2 but also improve the natural surveillance for those people using the cycle store.

External Lighting – Again there is no mention of external lighting, we would recommend lighting of the communal car park to the relevant levels as recommended by BS 5489-1:2013. Lighting should also be considered to communal parts of the development, such as entrance, hall, corridors and external doors on the ground floor.

Physical Security – I am aware that existing doors and windows will be replaced, and that access will be via the existing set of double doors, again, I can find no mention of any access control measures that will be implemented.

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**Application No:** 21/02172/FUL Author: Rebecca Andison  
Date valid: 11 October 2021 ☎: 0191 643 6321  
Target: 10 January 2022 Ward: Tynemouth  
decision date:

Application type: full planning application

**Location: Park Hotel, Grand Parade, Tynemouth, Tyne And Wear, NE30 4JQ**

**Proposal: Two storey extension to provide 20 hotel bedrooms, a single storey Fish & Chip takeaway and ice cream parlour, hotel kitchen, internal plant room, toilets and core circulation space, extended and improved external terrace area, car parking and landscaping. External works to existing building including replacement of all windows and doors, removal of existing render and re-rendering, and repairing external boundary walls. Wall mounted CCTV cameras**

Applicant: The Inn Collection Group, C/O klr Planning Ltd Lugano Building 57 Melbourne Street Newcastle upon Tyne NE1 2JQ

Agent: KLR Planning Ltd, Karen Read Lugano Building 57 Melbourne Street Newcastle Upon Tyne NE1 2JQ

## **RECOMMENDATION:**

**The Committee is recommended to :**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - Employment and Training: £10,000 towards employment initiatives within the borough**
  - Coastal mitigation: £6,682 towards the Coastal Mitigation Service**

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable;
- the impact on public health;
- the impact upon surrounding occupiers;

- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- whether the impact on biodiversity is acceptable.

## 2.0 Description of the Site

2.1 The application relates to the Park Hotel, which is located at the junction of Beach Road and Grand Parade on Tynemouth seafront.

2.2 The hotel comprises the original 1930's building and a series of modern extensions. It is surrounded by car parks to the north and south, and a landscaped area to the east. The site backs onto the Metro line, beyond which are residential properties on Links Road and Rennington Close. To the north is Tynemouth Aquarium and to the south is Tynemouth Park.

2.3 Following the grant of planning permission part of the northern wing and central service areas of the hotel have been demolished. The demolished areas comprised later 1960s/1970s extensions, including function rooms and part of the kitchen and service areas.

2.4 The building is included on the Local Register and lies within Cullercoats Conservation Area.

## 3.0 Description of the proposed development

3.1 Planning permission is sought to construct a 2-storey extension to the hotel to contain 20no. bedrooms, a single storey fish and chip takeaway and ice cream parlour.

3.2 The proposed extension results in a net gain of 19 bedrooms (including manager's accommodation) due to changes to the room layout within the existing hotel building. The fish and chip would have a floor area of 102 sqm and the ice cream parlour an area of 35 sqm. Also proposed are new toilets, kitchen facilities and plant rooms. The proposed extension is located on the north side of the site in the location of the demolished northern wing.

3.3 Alterations to the existing building and grounds are also proposed. These works include replacement windows, landscaping, the extension and replacement of existing outside seating areas and the re-instatement of car parking spaces.

## 4.0 Relevant Planning History

4.1 There is a lengthy planning history for the site. The most recent applications are listed below.

21/01627/FUL - Demolition of part of the northern wing and central service areas to the hotel. The area to be removed is single storey and comprises later 1960s/1970s additions to the hotel which includes function rooms and the rear part of the kitchen and service areas  
Permitted 21.10.2021

11/01688/FUL - Construction of new cafe and hot food restaurant to front of existing hotel, including the construction of a new roof terrace  
Permitted 21.10.2011

11/01453/ADV - Proposed freestanding totem sign to offer new advertisement/identification of Park Hotel  
Permitted 05.09.2011

09/03240/FUL - Proposed single storey extensions to the northern elevation with replacement and new windows to the northern and eastern elevations, a new entrance to the northern elevation, replacement non illuminated signage to main elevations and re-painting of the entire building (Amended Description)  
Permitted 04.02.2010

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- whether the principle of the development is acceptable;
- the impact on public health;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- whether the impact on biodiversity is acceptable.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in an appendix to this report.

### 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Paragraph 86 of NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.5 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.7 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.8 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;

- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres

8.9 Policy AS8.16 states that North Tyneside's coastal area provides popular tourist attractions, facilities and accommodation that are of importance to the tourism industry for the region. Proposals for new or the extension of existing attractions, facilities and accommodation will be actively supported to maintain and enhance an attractive, vibrant and viable seafront offer where they are:

- a. Able to maintain the overall openness of the coastal area through their location and the incorporation of high quality design and materials in keeping with the character of the area; and
- b. Of an appropriate scale in-keeping with surrounding buildings; and
- c. Located where the impact from increased visitors can be accommodated:
  - i. By existing infrastructure capacity making best use of public transport provision and avoiding increased road congestion; and
  - ii. Without significant adverse harm upon the designated coastal environment sites and wider biodiversity.

8.10 The application site is located in an out of centre location and the proposal includes main town centre uses as defined by the NPPF. The existing hotel has been in operation since 1939 and the purpose of the proposal is to provide new guest accommodation and facilities linked to the existing business.

8.11 Given that the proposal would provide additional tourist accommodation and enhance the facilities offered by the hotel, it is considered that the proposal complies with Policy AS8.16. The proposed fish and chip shop and ice cream parlour are in keeping with other food and drink outlets located along the coast and would be linked to the main hotel use. They could not therefore be located in an alternative town centre location.

8.12 The applicant has advised that by bringing the hotel back into use the proposal is expected to result in the creation of 70no. full time jobs.

8.13 The proposal is in keeping with the established use of the site and the character of the area. It would secure economic development in accordance with the NPPF. The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

## 9.0 Public Health

9.1 The NPPF paragraph 92 explains the need for the planning system to perform a number of roles, including supporting healthy, inclusive and safe communities by, among other things, creating a high quality built environment that reflects the community's needs and supports its health, social and cultural well-being. It further states that the planning system should enable and support

healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of access to healthier food.

9.2 Planning Practice Guidance (PPG) states that the link between planning and health has long been established. The built and natural environment are major determinants of health and well being.

9.3 Local Plan Policy S1.2 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and wellbeing of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
  - i. Creating an inclusive built and natural environment.
  - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
  - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
  - iv. Providing good access for all to health and social care facilities.
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

9.4 It is clear that the link between planning and health has been set out in the NPPF and is integrated within the Local Plan, in particular policy DM3.7.

9.5 DM3.7 Hot Food Take-aways states "Proposals for A5 hot food take-aways will be permitted unless:

- a. It would result in a clustering of A5 uses to the detriment of the character, function, vitality and viability of the defined centres or it would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings.
- b. There are two or more consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage.

To promote healthier communities, the Council will:

- c. Prevent the development of A5 use within a 400m radius of entry points to all middle and secondary schools, as shown on the Policies Map.
- d. Prevent the development of A5 use in wards where there is more than 15% of the year 6 pupils or 10% of reception pupils classified as very overweight.
- e. Assess on an individual basis, the impact hot food take-aways have on the wellbeing of residents."

9.6 The site is in Tynemouth ward where 10.7% of the year 6 pupils and 7.3% of reception pupils are classified as very overweight and is over 400m from middle and secondary schools. It is not located adjacent to an existing hot food takeaway and it is not considered that the proposal would result in an



unacceptable clustering of such uses in the area. The proposal is therefore considered to comply with Policy DM3.7.

#### 10.0 Impact on surrounding occupiers

10.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

10.2 Policy S1.4 of the Local Plan states that development should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

10.3 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

10.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

10.5 The western boundary of the site is located approximately 22m from the rear boundaries of residential properties on Links Road and is separated from them by the Metro line.

10.6 The proposal includes a 2-storey extension within the northwest part of the site to provide additional bedrooms, and a single storey takeaway and ice cream parlour attached to the north elevation of the existing building. A plant room and service yard are proposed at the rear of the building.

10.7 The Manager of Environmental Health has been consulted and provided comments. She raises concern regarding the potential for nearby residents to be affected by noise arising from the service yard and external plant. She notes that a noise assessment has been submitted to consider plant noise and that this provides a target noise emission limit. A condition is required to verify that the noise from the external plant complies with this limit.

10.8 It is proposed to extend the existing outside seating area. The proposed seating area is located on an existing grassed area which was previously used for external seating informally. There are no planning conditions to prevent this and no conditions to control the use of the main seating area. When taking into account the location of the proposed seating area in relation to residential properties and the lack of existing restrictions, it is not considered necessary to restrict the hours during which the proposed seating can be used. The Manager

of Environmental Health agrees and has confirmed that no complaints have been received regarding use of the existing external seating.

10.9 The Manager of Environmental Health recommends conditions including in respect of: delivery hours, external lighting, opening hours of the takeaway and ice cream parlour, construction hours, dust suppression measures and the means of odour control and ventilation for the takeaway.

10.10 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policy DM5.19 subject to the conditions discussed above.

#### 11.0 Character and appearance

11.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

11.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

11.3 Par.193 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

11.4 Para.194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

11.5 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.195-196).

11.6 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

11.7 Policy DM6.6 states that the alteration, extension or restoration of heritage assets, and development that affect their settings, will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character; repair damaged features or reinstate missing features that contribute to the asset's significance; and remove additions or modifications that are considered harmful to the significance of the heritage asset. Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

11.8 The Design Quality SPD applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

11.9 The Local Register of Buildings and Parks of Local Architectural and Historic Interest SPD states that proposals should respect the architectural quality, character and interest of the building and they will be determined on their ability to do so.

11.10 The site is a locally listed building situated within Cullercoats Conservation Area. The building is architecturally interesting as an example of 1930's seaside architecture and is identified by the Cullercoats Conservation Area Character Appraisal as being of landmark quality with high interest. The hotel has been subject to various extensions over the years, which have altered its character. This application follows the selective demolition of parts of the building which are not of significance.

11.11 A Design and Access statement and Heritage Assessment have been submitted in support of the application.

11.12 The proposed extension utilises the majority of the space created by the demolition of the northern wing. The accommodation is over two floors, and the height of the extension is below the main Art Deco part of the building. The layout of the extension reflects that of the southern wing of the hotel and includes a staggered northeast elevation to allow the guest bedrooms to be provided with views towards the sea. The takeaway and ice cream parlour are single storey and designed to appear subservient to the main building.

11.13 Flat roofs are proposed for both extensions. The takeaway includes a raised rendered parapet to screen plant on the roof of the building. The construction materials include white render to match the existing building, glass and steel balcony balustrades and aluminium window frames. The existing windows in the hotel, which comprise a mixture of timber and upvc, would be replaced with aluminium framed units.

11.14 There is an existing terrace on the east side of the hotel. The existing timber decking is in a poor condition and unsafe to use in wet conditions. It is

proposed to replace the decking with textured concrete paving and to form a new lower terrace. The existing terrace walls would be replaced, and a glass balustrade installed along the edge of the terrace.

11.15 The existing car parking areas are finished in black tarmac. These would be repaired or resurfaced as necessary. It is proposed to surface the new accesses and parking areas with tarmac to match the existing.

11.16 The Conservation and Urban Design Officer has provided comments. He supports the design, layout and height of the development which are considered to be of a sensitive scale and in keeping with the layout of the existing building. The takeaway and ice cream parlour, which are the most visible parts of the new extension, are considered to be well designed to reflect the art deco design of the original building. Concerns are raised in respect of the proposed turquoise colour of the new window frames. The applicant has since submitted further information regarding the colour to demonstrate that impact on the appearance of the building is acceptable. A condition is recommended requiring that a physical sample of the paint colour is submitted for approval.

11.17 Additional information has been submitted in response to the Conservation and Urban Design Officer comments regarding the roof level plant and the levels of the terraces. He has confirmed that the details provided are acceptable.

11.18 The applicant has also provided details of the external surfacing materials. The Conservation and Urban Design Officer has raised concern over the proposed use of tarmac within the parking area adjacent to Beach Road. He notes that this area is currently tarmac but considers that the quality of the materials should be improved to mitigate for the increased areas of hard surfaced seating areas. While it is acknowledged that additional hard surfacing is proposed in the form of an extended terrace, this area would be paved and there would be no increase in the area of tarmac used within the site. It is proposed to repair the existing tarmac and replace where necessary. Taking these factors into account, it is officer opinion that it would be unreasonable to require that the existing tarmac areas are resurfaced in an alternative material.

11.19 Details of the glass balustrade for the terrace have been provided. This comprises panels of glass attached to stainless steel posts and handrails. The balustrade is not frameless as recommended by the Conservation and Urban Design Officer. The applicant has stated that using frames eliminates the need for manifestation to be used on the glazing, also a more economic use of glass, is easier to maintain structurally and is economically more viable. Given that the balustrade details have not been agreed a condition is recommended to control the detailed design.

11.20 Further conditions are recommended in respect of the construction materials, signage and to control any fixed external seating.

11.21 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable and in accordance with Policy DM6.1 and DM6.6.

## 12.0 Whether there is sufficient car parking and access provided

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

12.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 There are currently 4no. vehicle access points into the site. The parking area to the south of the hotel would be accessed using the existing entrances. The first entrance to the north would also be retained but would serve a reduced parking area. It is proposed to move the second northern access further west to reduce the potential for turning traffic to stray into the opposing carriageway, provide improved vision and reduce the potential for vehicles to back up onto Grand Parade. It is proposed to create a new gated access to the service yard from the northern access road for delivery vehicles.

12.7 The site currently contains 108no. parking spaces. However, the applicant has advised that 16no. of the spaces do not comply with current standards and are therefore un-usable. There is currently no cycle or motorcycle parking within the site. It is proposed to create 99no. parking spaces, including 7no. accessible bays. Parking for 7no. motorcycles and 52no. cycles would also be provided.

12.8 The hotel is located within walking distance (1100 metres) of Cullercoats and Tynemouth Metro stations and there are bus services on Grand Parade and Beach Road. There is also a large public car park to the north of the site.

12.9 The Highway Network Manager has reviewed the application, the accompanying Transport Statement, Travel Plan and Parking Management Plan, and provided comments. He states that the development provides adequate parking and access and notes that there is off street parking available and parking management measures in place in the surrounding area. He notes that while the hotel is currently closed the use has been established for many years.

12.10 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

### 13.0 Landscaping and biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

13.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

13.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

13.5 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their

presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and, f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

13.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

13.7 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.8 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

13.9 The site is located approximately 50m from Tynemouth Longsands Site of Local Conservation Interest (SLCI) and Northumberland Shore SSSI, and just over 500m from the Northumbria Coast SPA. It also lies within a designated wildlife corridor.

13.10 A HRA Screening Report and SSSI Impact Assessment has been submitted in support of the application. The report concludes that the development would not have a significant effect on any protected sites during the construction phase. It advises that the proposal is likely to have an adverse impact during the operation phase as a result of recreational pressure on the coast and increased littering. To mitigate this impact the report recommends a financial contribution in accordance with the Coastal Mitigation SPD. It also recommends that information should be made available to guests on the

importance and sensitivity of adjacent coastal designations and species, and that suitable and sufficient on-site refuse bins should be provided.

13.11 A bat survey has been carried out to assess the impact of the proposals to demolish and rebuild sections of the hotel. The bat survey found no evidence of bats within the building, but activity surveys recorded moderate levels of activity along the western boundary of the site. The report sets out a series of mitigation measures including: the installation of a bat box on the retained section of the building prior to demolition commencing, that a Precautionary Method Statement should be followed, and that bat-friendly lighting should be used. The bat box has already been installed as part of the requirements for the demolition phase.

13.12 The existing soft landscaping consists of sloped grassed areas to the south and east of the hotel, a raised grassed area along the western boundary adjacent to the service yard and verges along the western railway line boundary that are overhung by trees located outside the site boundary. The site includes a number of planting beds and there is 1no. tree adjacent to the southern boundary. The tree has been assessed as category C.

13.13 It is proposed to remove the existing tree, as recommended by the submitted tree survey, and provide replacement tree planting along the western boundary of the site as mitigation. The Landscape Architect has advised that the removal of this tree is acceptable given that information has been submitted to justify its removal and replacement planting would be provided.

13.14 Car parking is proposed adjacent to the western boundary of the site within the root protection area of adjacent trees. An Arboricultural Method Statement has been submitted to demonstrate that the existing trees will be adequately protected. Information has also been submitted to demonstrate that the location of services, drainage and lighting would not cause damage to the tree roots.

13.15 An External Lighting Layout has been submitted. The Biodiversity Officer and Landscape Architect have confirmed that the lighting levels are generally acceptable for the types of bat species commuting and foraging in these areas (common pipistrelle) and in an area which is already subject to urban light levels.

13.16 A Planting Plan and Landscape Maintenance Strategy have been submitted. It is proposed to plant 7no. new trees adjacent to the western boundary, 3no. trees adjacent to the eastern boundary, new hedging and ornamental planting. The Landscape Architect and Biodiversity Officer have advised that the proposed landscaping scheme is acceptable. They raise no objections to the development subject to conditions and a contribution towards the Coastal mitigation Scheme to mitigate for the additional visitors associated with the hotel and the takeaway/icecream parlour. The applicant has agreed to the requested contribution of £6,682.

13.17 Natural England have advised that they have no objections to the development subject to appropriate mitigation being provided.

13.18 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer and a financial contribution towards



the Coastal Mitigation Service, it is officer advice that the impact on trees and ecology is acceptable and in accordance with the NPPF and Policies DM5.5, DM5.6 and DM5.9 of the Local Plan.

#### 14.0 Other issues

##### 14.1 Contaminated Land

14.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

14.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

14.4 The site lies within the Contaminated Land Buffer Zone and a Coal Mining Development High Risk Area. The application is supported by a Phase I and II Geo-environmental Site Investigation.

14.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She states that the submitted site investigation shows that the risk from potential ground gas is very low and that gas monitoring is not therefore required. However, the report identifies the potential for hydrocarbon vapours that could be mitigated by the installation of passive wall vents within the extension. It is therefore recommended that conditions are imposed in respect of a remediation statement and validation.

14.6 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

##### 14.7 Flooding

14.8 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

14.9 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.10 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

14.11 The application site is located within Flood Zone 1 and is at low risk of surface water flooding. There would not be any significant increase in hard surfacing within the site as a result of the proposed development.

14.13 Northumbrian Water have been consulted and state that they have no comments to make. The Local Lead Flood Authority has no objections to the proposals as it will not lead to an increased flood risk to the development or the surrounding area.

14.14 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that the proposed development accords with the relevant national and local planning policies.

#### 14.15 S106 Contributions

14.16 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

14.17 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

14.18 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

14.19 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

14.20 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,

ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

14.21 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

14.24 The following contributions have been requested by service areas and agreed with the applicant:

- A financial contribution of £10,000 towards employment initiatives within the borough
- £6,682 towards the Coastal Mitigation Service.

14.23 The above has been reported to IPB. The contributions are considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

14.24 A CIL payment will be required for this development.

#### 14.25 Local Financial Considerations

14.26 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

14.27 The proposal would result in the creation of jobs during the construction phase and within the hotel once the development is complete.

#### 15.0 Conclusions

15.1 The proposal would provide additional tourist facilities and visitor accommodation at the coast in accordance with the aims of Policy AS8.16. It would also create jobs and secure economic development in accordance with the NPPF. The proposed town centre uses could not reasonably be located within a town centre location given their link to the existing hotel and the coastal tourist industry. In officer opinion the principle of development is acceptable.

15.2 It is officer advice that the proposed development is also acceptable in terms of its impact on nearby residents, heritage assets, biodiversity and the highway network.

15.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a S106 agreement.

## **RECOMMENDATION:**

**The Committee is recommended to :**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**

**Employment and Training: £10,000 towards employment initiatives within the borough**

**Coastal mitigation: £6,682 towards the Coastal Mitigation Service**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

- Application form
- Site location plan (00)00 Rev.B
- Proposed site plan 0010 Rev.H
- Proposed ground floor plan I023A-GSS-XX-00-DR-A-0011 Rev.H
- Proposed first floor plan (00)12 Rev.C
- Proposed second floor plan (00)13 Rev.C
- Proposed roof plan (00)14 Rev.E
- Enlarged roof plan (00)21 Rev.B
- Enlarged second floor plan (00)20 Rev.B
- Enlarged first floor plan (00)19 Rev.B
- Enlarged ground floor plan (00)18 Rev.B
- Proposed elevations 0016 Rev.G
- Proposed site sections (00)15 Rev.C
- Proposed 3D view (00)22 Rev.B
- Proposed room quantum I023A-GSS-XX-ZZ-DR-A-0017 Rev.E
- Proposed boundary treatment 9005 Rev.A
- Existing and proposed external levels I023A-GSS-XX-00-DR-A-9004
- Proposed fish and chip shop unit I023A-GSS-XX-00-DR-A-9007 Rev.A
- Marshalls paving specification Myriad 200x100x80 and Myriad 600x200x80
- Marshalls Conservation X Kerb 145x255 Step Tread 2 Strip and 145x145 Conservation X kerb centre stone
- Quantum EV data sheet
- Broxap Manchester MU MkII cycle compound
- Broxamp Sheffield horizontal cycle lockers
- Drainage layout 21021-MRP-XX-00-DR-D-3200 Rev.P1
- Mechanical engineering services proposed external services layout 1436-M-001 Issue T01

- Mechanical engineering services proposed incoming services layout 1436-E-001 Issue T01
  - Electrical engineering services proposed external services layout 1436-E-002 Issue T02
  - Landscape general arrangement POE\_249\_001 Rev.C
  - Planting plan POE\_249\_002 Rev.B
  - Landscape Maintenance Strategy December 2021 (01.Rev A)
  - Proposed external works 9001 Rev.E
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. The Parking Management Plan shall be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. The scheme for the provision of Electric Vehicles (EV) charging points shall be laid out in accordance with the approved plans and thereafter retained.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. The scheme for the provision of taxi and private hire servicing shall be laid out in accordance with the approved plans and thereafter retained.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. The scheme for the provision of and storage of refuse and recycling shall be laid out in accordance with the approved plans and prior to the occupation of the development. These storage areas shall be thereafter retained and shall not be used for any other purpose.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No part of the development shall be occupied until a servicing and refuse management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. The servicing and management plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and to ensure that local wildlife populations are protected, having regard to the NPPF and Policies DM7.4 and DM5.5 of the North Tyneside Local Plan 2017.

9. The scheme for the provision of undercover cycle storage shall be laid out in accordance with the approved plans and thereafter retained.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. The Travel Plan shall be implemented in accordance with the agreed details and retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. The submitted Construction Logistics Management Plan (Jan 2022 Rev.A), Planning Condition document and Tender Site Layout and Traffic Management Plan shall be implemented and complied with during and for the life of the works associated with the development. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. The scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. Prior to the installation of any external plant and equipment a noise scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme must be carried out in accordance with BS4142 to ensure that the rating level from all external plant and equipment at the boundary of the nearest residential premises on Links Road and Rennington Close does not exceed the background noise level of 46dB LA90 during daytime (0700-2300hrs) and 43 dB LA90 at night (2300-0700hrs). Thereafter the plant shall be installed and maintained in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Within 1 month of the external plant and equipment being installed, acoustic testing must be undertaken to verify compliance with condition 13 and the results submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. No deliveries and collections to the service yard for the hotel shall take place outside the hours of 07:00 to 23:00.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. The fish and chip takeaway and ice cream parlour shall not open for business outside the hours of 10:00 to 21:00.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Noise No Tannoys Externally Audible                      NOI002    \*

18. Restrict Hours No Construction Sun BH                      HOU00    \*  
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19. The external lighting shall be installed in accordance with the details shown on drawing no. 1436-E-002 T02.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

20. Notwithstanding condition 1, prior to the construction above damp proof course level details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the fish and chip takeaway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

21. Prior to the construction above damp proof course level details of the air ventilation systems must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

22. Details of any refrigeration plant to be installed in connection with the fish and chip takeaway must be submitted to and approved in writing by the Local Planning Authority prior to installation. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

23. Prior to the construction above damp proof course level details of an odour suppression system for the arrestment of cooking odours generated by the fish

and chip takeaway must be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the maintenance details provided by the manufacturer. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained and maintained in accordance with the details provided by the manufacturer.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

24. Prior to the commencement of the development a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

25. Prior to the first occupation of the development hereby permitted, a Remediation Validation report for the site must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:



- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.
- Proof of the installation of passive wall vents.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

26. Unexpected Hotspots

CON00 \*

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27. Proof of the installation of passive wall vents must be submitted as part of the validation report required by condition 25. If they are not installed, then the following applies:

Details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method

of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

28. The development shall be carried out in complete accordance with the submitted Tree survey and Method Statement (January 2022)

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

29. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement required by condition 267, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

30. Services, drainage and lighting that require excavations shall be installed in accordance with the submitted Tree Protection Plan with Construction exclusion Zones (18/02/2022), Electrical engineering services proposed incoming services layout 1436-E-001 Issue T01, Electrical engineering services proposed external services layout 1436-E-002 Issue T02, Drainage layout 21021-MRP-XX-00-DR-D-3200 Rev.P1 and Mechanical engineering services proposed external services layout 1436-M-001 Issue T01.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

31. All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, and details of the pruning must be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

32. The landscaping scheme shall be implemented and maintained in accordance with the submitted Landscape Maintenance Strategy (December 2021 01.Rev A)), Landscape General Arrangement (POE\_249\_001 Rev.C) and Planting Plan (POE\_249\_002 Rev.B). Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

33. All mitigation measures outlined in Section 7 of the Bat Survey Report (EcoNorth October 2021) relating to the construction phase of the development shall be undertaken in accordance with the Report.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

34. 2no. house martin nesting features and 1no. swift box shall be provided in suitable locations on the buildings. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. The bird boxes shall be installed in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

35. A Precautionary Bat Method Statement written by a Suitably Qualified Ecologist (SQE) must be submitted to and approved in writing by the Local

Planning Authority prior to commencement of development. Thereafter the development must be carried out in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

36. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. In the event any active bird nests are identified, the Suitably Qualified Ecologist (SQE) must implement a buffer zone around the feature into which no works will progress until the SQE confirms that the nest is no longer active / the chicks have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

37. External Lighting must be designed accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK" to provide bat-friendly external lighting during the construction and operational phases of the development to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

39. No works shall be undertaken between sunset and sunrise.

Reason: To minimise the risk of nocturnal species such as bats being adversely affected and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

40. Any excavations left open overnight must have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

41. Information must be made available to guests within main reception areas of the hotel on the importance and sensitivity of adjacent coastal designations and species. Details of this information must be submitted to and approved in writing by the Local Planning Authority prior to the hotel opening for use and thereafter the information must be provided in accordance with the agreed details.

Reason: To safeguard local wildlife populations and protected habitats, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

42. No development shall take place until those contractors involved in the works have been inducted by / received a toolbox talk from a Suitably Qualified Ecologist (SQE).

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

43. In the event that works do not commence within 12 months of the date of the most recent bat activity survey (July 2021 - EcoNorth Bat Survey) an updated ground walkover survey to determine that the structure's condition has not significantly changed must be submitted to and approved in writing by the Local Planning Authority prior to development commencing. If works do not commence within 24 months from the date of the survey, or the structure's condition has significantly changed, updating activity surveys will be required to inform the assessment and inform a Natural England license application, in the event any bat roosts are recorded at that time.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

44. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until a schedule and/or samples of the construction and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. All new or replacement rainwater goods should be cast iron. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

45. The detailed design of the glass balustrades should be submitted and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

46. Prior to construction above damp proof course level a sample of the paint colour to be used for the window frames (RAL 6034) must be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

47. The design and location of any fixed external seating must be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Works to Footway (I08)

Highway Inspection before dvlpt (I46)

The applicant is advised that they should contact the Streetworks Team if access to this highway is to be restricted during the works in order to apply for a temporary highway closure. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.



**Application reference: 21/02172/FUL**

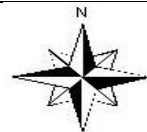
**Location: Park Hotel, Grand Parade, Tynemouth, Tyne And Wear**

**Proposal: Two storey extension to provide 20 hotel bedrooms, a single storey Fish & Chip takeaway and ice cream parlour, hotel kitchen, internal plant room, toilets and core circulation space, extended and improved external terrace area, car parking and landscaping. External works to existing building including replacement of all windows and doors, removal of existing render and re-rendering, and repairing external boundary walls. Wall mounted CCTV cameras**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a two-storey extension to provide 20 hotel bedrooms, a single storey fish & chip takeaway & ice cream parlour, hotel kitchen, internal plant room, toilets & core circulation space, extended & improved external terrace area, car parking & landscaping, external works to existing building including replacement of all windows & doors, removal of existing render & re-rendering, repairing external boundary walls and wall-mounted CCTV cameras.

1.3 As part of the application, a Transport Statement (TS), Travel Plan (TP) and Parking Management Plan were included. Access remains unchanged, on-site parking is improved, cycle parking will be provided, and the site has good links with public transport. There are also parking management measures in place in the vicinity of the site, including off-street parking in the area.

1.4 Although currently closed, the site has been established for decades and the proposals enhance existing facility. Conditional approval is recommended.

1.5 Recommendation - Conditional Approval.

1.6 Conditions:

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of Electric Vehicles (EV) charging points shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of taxi & private hire servicing shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).



Notwithstanding the details submitted, the Parking Management Plan shall be implemented in accordance with the agreed details and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the Travel Plan shall be implemented in accordance with the agreed details and retained thereafter.  
Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the Construction Management Plan shall be implemented in accordance with the agreed details and retained for the entire duration of construction.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

#### 1.7 Informatives:

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact the Streetworks Team if access to this highway is to be restricted during the works in order to apply for a temporary highway closure. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

#### 1.8 Manager of Environmental Health (Pollution)

1.9 The Park Hotel is located in an area with residential properties to the rear of the site in Links Road and Rennington Close. I would have concerns regarding potential noise arising from the service area to the rear of the hotel and any external plant installed as part of the development. It will be necessary to place conditions to ensure a noise scheme is incorporated to ensure noise from deliveries is restricted to daytime hours.

1.10 A noise assessment has been provided that considers external noise from plant and equipment and provides a target noise emission limit. A condition will be required to verify that the noise from external plant complies with this limit. With regard to the external terrace areas a condition to restrict their use to no later than 9pm is recommended.

1.11 I have viewed the lighting assessment which has considered the lighting levels at the nearest sensitive receptor. The isolux plan shows that the lighting levels will comply with the institute of Lighting Engineers guidance for the reduction of obtrusive light, a condition is recommended to ensure that the lighting is installed in accordance to the layout plan and that the lighting levels as details on the plan are met.

1.12 If planning consent is to be given I would recommend the following conditions:

For external plant and equipment a noise scheme must be submitted in accordance with BS4142 to ensure that the rating level from all external plant and equipment at the boundary of the nearest residential premises Links Road and Rennington Close does not exceed the background noise level of 46dB LA90 during daytime (0700-2300hrs) and 43 dB LA90 at night (2300-0700hrs). It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

Deliveries and collections to the service yard for the hotel shall be restricted to 07:00 hours and 23:00 hours.

Submit for approval in writing to the local Planning Authority a noise scheme for the hotel external seating areas or other smoking areas to minimise external noise late at night, and thereafter implemented. External seating areas to be

restricted for use to between 08:00-21:00 hours. (*Officer note: Subsequently confirmed this condition is not required*)

HOU03 for the fish and chip takeaway and ice cream parlour to the hours specified on the application.

NOI02

HOU04

SIT03

LIG01 - to comply with layout plan drawing no. 1436-SINE-XX-EX-DR-E-1000

Odour Abatement Controls for Fish and Chip Takeaway:

EPL01

EPL02

EPL03

EPL04

The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

For Hotel Bedrooms:

Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing and ventilation details to be provided to habitable hotel bedrooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of L<sub>max</sub> of 45 dB(A) as described in BS8233.

(*Officer note: Subsequently confirmed this condition is not required*)

### 1.13 Additional comments

1.14 The recommended condition for the hotel bedroom glazing was for the benefit of the customers staying at the hotel so that they had the same standards as residential bedrooms, given that BS8233 paragraph 7.7.5.1.1 states “the recommendations for ambient noise in hotel bedrooms are similar to those for living accommodation”, so to achieve a level of 30 dB LA<sub>eq</sub> for the bedrooms, the same as that for residential bedrooms, for the night time would not be unreasonable. I note that the applicant will be installing double glazed units that are replacing single glazed, so agreeable to the condition being removed if the applicant is to provide that level of glazing.

1.15 Agree that it is not considered necessary to control the use of the outside seating area given that there are no restrictions on the exiting seating area, that no complaints have been received regarding the use of this area and the separation from residential properties.

### 1.16 Manager of Environmental Health (Contaminated Land)

1.17 This application is for a two storey extension to provide 20 hotel bedrooms, a single storey Fish & Chip takeaway and ice cream parlour, hotel kitchen, internal plant room, toilets and core circulation space, extended and improved external terrace area, car parking and landscaping. External works to existing building including replacement of all windows and doors, removal of existing

render and re-rendering, and repairing external boundary walls. Wall mounted CCTV cameras.

1.18 I have read the phase 2 report and note it states the following:

Using Figure 6, BS8576 and the information provided with RB17 it is concluded the risk from potential ground gas is very low and therefore gas monitoring is considered not to be necessary for this site. If precautionary measures were considered to be necessary, it would be recommended to include passive wall venting within the proposed building to negate any residual (low/very low) risk and prevent the creation of preferential pathways into the existing building.

1.19 Any inclusion of a gas membrane within the extension could cause a preferential pathway to the existing building on the site.

1.20 A potential underground storage tank was noted on the west of the site. No other information is included in the report - what was the UST used for storing, if petroleum derived material is it leaking and if this the source of the elevated TPH's?

1.21 It is understood that the areas in which WS01 and WS04 were undertaken, where TPH exceedances were recorded, are underneath proposed building footprints and as such this will be removed from site as part of ground preparation works. In addition, any residual localised vapour risk posed are considered to be mitigated by the installation of passive wall vents proposed as part of gas protection measures within the extension.

1.22 Due to the finding of the Phase 2 report a remediation statement and validation is required to be submitted.

1.23 I agree that the site is at low risk from ground gas, an investigation at the blue reef aquarium showed no elevated ground gases. However, the report has identified the potential for hydrocarbon vapours that could be mitigated by the installation of passive wall vents proposed as part of gas protection measures within the extension. The following must be included:

Con 005

Con 006

Con 007

Proof of the installation of passive wall vents must be submitted as part of the validation report. If they are not installed, then gas 006 must be applied such that proof is shown that the site is not at risk from hydrocarbon vapours. Proof of the installation of passive wall vents must be submitted as part of the validation report. If they are not installed, then gas 006 must be applied such that proof is shown that the site is not at risk from hydrocarbon vapours.

1.24 Landscape Architect and Biodiversity Officer

1.25 Introduction

1.26 The above application is located on the site of an existing hotel at Tynemouth on land adjacent to the roundabout at the junction of Beach Road

and Grand Parade. Tynemouth Aquarium lies to the north and Tynemouth Park and boating Lake to the south with the Metro line and housing to the west and Tynemouth Longsands to the east separated from the site by Grand Parade.

1.27 The proposal is for a two-storey extension to provide 20 hotel bedrooms, a single storey fish & chip takeaway and ice cream parlour, hotel kitchen, internal plant room, toilets and core circulation space, extended and improved external terrace area, car parking and landscaping. External works to existing building including replacement of all windows and doors, removal of existing render and re-rendering, and repairing external boundary walls.

1.28 The site is located off Grand Parade with Tynemouth Longsands SLCI (Site of Local Conservation Interest) and Northumberland Shore SSSI approximately 50m east of the site and the Northumbria Coast SPA just over 500m to the north east and south east of the site. The site also lies within a designated wildlife corridor as shown on the Local Plan Policies Map (2017).

#### 1.29 HRA/SSSI Assessment:

1.30 A 'HRA Screening Report and SSSI Impact Assessment' has been submitted to support the application to assess the potential impacts of the scheme on adjacent coastal designated sites.

1.31 Following a review of all the relevant qualifying species the Report concludes that the proposal will not have 'Likely Significant Effects' on any of the Natura 2000 sites set out within the report at the construction stage. However, the assessment acknowledges that the proposal may result in Likely Significant Effects as a result of both recreational pressure and littering associated with the takeaway fish and chip restaurant and ice cream parlour. The Report also concludes that the proposal will not have a significant impact on any part of the Northumberland Shore SSSI or its qualifying species.

1.32 The scheme has also been assessed in combination with other plans and projects. The proposed works within this application are short term temporary operations. The timing of the construction operation is considered likely to overlap with at least part of the overwintering period critical for many of the SPA qualifying species. A range of further minor building renovation applications were live on North Tyneside Councils website planning portal, however, they were all typically set back from the coast further than the application site and so are considered unlikely to interact with the application considered in this document to result in an in-combination effect. The full application for hotel renovation will follow the demolition sequentially and so will not result in an in-combination effects.

1.33 In relation to operational effects, the project has the potential to impact on the relevant designations in combination with other plans or projects which result in a net increase in either residential or tourist accommodation. The North Tyneside Coastal Mitigation Strategy has however assessed likely increases in recreational pressure from such sources and identified measures and resources required to mitigate potential recreational disturbance effects.

1.34 The Report states that working in accordance with North Tyneside Council's Coastal Mitigation Strategy will, in accordance with the overall strategy, mitigate the potential effects of recreational disturbance to a level where the proposal does not result in an adverse effect on site integrity (AESI). As a result, it is recommended that a financial contribution is agreed with the applicant in accordance with the SPD to mitigate the recreational impacts of the scheme.

1.35 The HRA Report also recommends that to further limit the potential effect of recreational disturbance given the prominence of the Park Hotel, information should be made available to guests within main reception areas of the hotel on the importance and sensitivity of adjacent coastal designations and species. Littering impacts should also be addressed through the provision of suitable and sufficient on-site refuse bin provision and avoiding the use of materials which are persistent in the environment such as single use plastics.

#### 1.36 Bat Survey:

1.37 A Bat Survey has been submitted undertaken by Econorth which comprised of a preliminary bat roost assessment of the building in April 2021, followed by bat activity surveys in June and July 2021. This was to assess the impact on bats from proposals to demolish and rebuild sections of the hotel and renovate the remainder of the building in order to create 20 new hotel rooms, a fish and chip takeaway, ice cream parlour, extended and improved external terrace, landscaping and car parking area.

1.38 The building was assessed as having moderate bat roost potential, therefore, two nocturnal bat activity surveys were required. These surveys comprised dusk emergence and dawn re-entry surveys and were carried out in June and July 2021. Although gaps were present and potential for crevice dwelling bats was identified and there were several access points and potential for a maternity roost to be using the feature, no evidence of bats was recorded. The inspection also considered there to be no hibernation potential within the building. The surveys found no evidence of bat roosts present within the building.

1.39 Based on the proposals the Report states that the development will have the following impacts upon bats if an appropriate mitigation strategy is not implemented:

- Disturbance to foraging and commuting behaviour of local populations of common pipistrelles if the habitat management and lighting regime is not considerate of wildlife.
- Low, residual risk of the harm or disturbance of any bats present within the structure at the time of works.
- The disturbance of foraging or commuting bats during the demolition / construction works or following the completion of works as a result of increased lighting levels on site.

1.40 A number of mitigation measures have been recommended within Section 7 of the Bat Report to address the above issues including demolition works being undertaken to a precautionary method statement, provision of bat friendly lighting, a landscape scheme that benefits wildlife and protection of trees along the western boundary. The mitigation measures set out in Section 7 will, therefore, need to be conditioned as part of the application approval.

#### 1.41 Trees

1.42 The existing soft landscaping consists of sloped grassed areas to the south and east of the hotel, a raised grassed area along the western boundary adjacent to the service yard and verges along the western railway line boundary that are overhung by trees located outside the site boundary. The trees are separated from the application site by a high metal palisade fence and are the responsibility of Nexus. The hotel site includes a number of planting beds and there is one tree to the southern boundary of the application site which is being retained which is protected by virtue of its location within a conservation area. Local Plan policy DM 5.9 also applies (Trees, woodland and hedgerows).

1.43 No information in relation to the existing trees on or overhanging the site has been provided but the 'Landscape General Arrangement plan' shows all existing planting areas on site are being retained. The existing areas of soft landscaped areas will not be directly affected by the construction works and it is the intention not to use the areas under existing tree canopies on the western boundary for the storage of materials or machinery (Section 5.1 of the Design and Access Statement). However, it is proposed to construct a new car parking area along the western boundary edge which will be located within the root protection areas of the existing trees, which will involve drainage and lighting. A lighting strategy plan has been submitted but no detail as to how these works will be undertaken without affecting the trees has been provided although the Landscape General Arrangement plan' has a note confirming that 'all trees along boundary to be protected in full accordance with BS5837 Trees in Relation to Design, Demolition and Construction: Recommendations 2012'. Details will need to be submitted, on condition, as part of an arboricultural method statement.

#### 1.44 Landscape Plan

1.45 The D&A Statement states that a landscaping scheme will be provided that incorporates native trees and shrubs of value to wildlife to enhance the wildlife corridor and mitigate for any impacts associated with the scheme. It states that this will result in an improvement of the ecological value of the site and will take account of habitats and ecosystem characteristics within the surrounding area. As a result, a 'Landscape General Arrangement Plan' (DWG No: POE\_249\_001 REV A) has been submitted. The plan shows a small area of native woodland edge habitat to be created next to existing planting along the metroline, adjacent to the proposed turning head to the west of the building. This area also includes some native trees indicated as 'advanced nursery stock'. The southern, eastern and northern sections of landscaping indicated between the buildings and car parks and to the front of the site are all composed of ornamental shrub and hedge (beech hedge) and perennial planting.

1.46 The site falls within a wildlife corridor as defined by the local plan where development proposals are required to protect and enhance the quality and connectivity of the corridor by incorporating existing links into the design plans. The proposed landscape is considered to enhance the wildlife corridor and will mitigate for impacts associated with the scheme. This will lead to an improvement of the visual amenity and the ecological value of the site. A fully detailed landscape plan can be submitted on condition of any approval.

#### 1.47 Lighting:

1.48 The D&A Statement indicates that the building will typically be occupied continuously throughout the year, therefore, during winter months illumination of the site and its surroundings will be necessary for safe access and egress from the building for staff and visitors. External low energy LED strip lighting and illuminated signage will be required to highlight the entrances and car park lighting will be designed to minimise impacts to bats along the railway line.

1.49 The 'Proposed External Lighting Layout' (DWG 1436-SINE-XX-EX-DR-E-1000) indicates that the majority of the western boundary (adjacent to the broadleaf trees along the metro line) will be subjected to relatively low lux light spill levels beyond the rear car park, although there are a couple of locations where the lux levels are higher. The lighting columns to the western boundary will be reduced in height and an external back light shield will be provided. The lighting will also dim down to 30% output and increase when there is a presence. The immediate area adjacent to the rear car park (along the western boundary) appears to have an average lux level of between 1-3 lux and beyond this the lux levels fall to zero. These levels are generally acceptable for the types of bat species commuting and foraging in these areas (common pipistrelle) and in an area which is already subject to urban light levels.

#### 1.50 Proposed Signage Details:

1.51 The 'Proposed Signage Details drawing (DWG: (90)02 Rev A) indicates the location of 5no. 'wayfinding' signs and 2no. 'Totem' signs. The location of these signs is not considered to have the potential to adversely impact ecology or the wildlife corridor.

#### 1.52 Conditions :

- No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation
- Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. This is to include details of tree protection fencing, special construction techniques for the installation of any drainage, lighting and car parking. No development or other operations shall take place except in complete accordance with a tree protection scheme and Arboricultural Method Statement.



- All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'
- No development or other operations shall commence on site until detailed plan showing the location of services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees or the design altered to ensure any excavations are located outside the RPA's. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.
- All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, details of which are to be submitted for approval.
- The contractors 'Construction Environmental Management Plan'(CEMP) relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority prior to development commencing on site and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan /AMS and maintained for the duration of the works.
- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification including proposed timing of all new tree and shrub planting, ground preparation and full details of the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. A schedule of landscape maintenance for a period of ten years including details of the arrangements for its implementation will also submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
- All mitigation measures outlined in Section 7 of the Bat Survey Report (EcoNorth October 2021) will be undertaken in accordance with the Report.

- 1No. Beaumaris Woodstone Bat Box will be installed as per manufacturers instruction on the retained section of the building. The box will be installed on a southerly aspect prior to demolition in order to provide alternative roosting options. Details of the location and specification of the bat box will be submitted on a plan to the LPA for approval, prior to works commencing on site.
- 3no. house martin nesting features will be provided on the Park Hotel building in suitable locations. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.
- A Precautionary Bat Method Statement written by a Suitably Qualified Ecologist (SQE) will be submitted to the LPA for approval prior to works commencing on site. All demolition works will be undertaken in accordance with the approved details.
- No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- Feral pigeons can nest all year round therefore, a nesting bird check will need to be carried out within 5 days of the demolition works proceeding. In the event any active bird nests are identified, the SQE will implement a buffer zone around the feature into which no works will progress until the SQE confirms that the nest is no longer active / the chicks have fledged.
- Lighting will be designed accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK" to provide bat-friendly external lighting during the construction and operational phases of the development to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats.
- No works will be undertaken between sunset and sunrise to minimise the risk of nocturnal species such as bats being adversely affected.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- A Waste Management Plan for the operational phase of the scheme will be submitted to the LPA for approval prior to works commencing on site and will include details of site refuse bin provision. The Plan will be implemented in accordance with the approved details.
- Information will be made available to guests within main reception areas of the hotel on the importance and sensitivity of adjacent coastal designations and species. Details shall be provided to the LPA for approval within 4 weeks of

development commencing on site and will be implemented in accordance with those details.

- Works on site will not commence until those contractors involved in the works have been inducted by / received a toolbox talk from a Suitably Qualified Ecologist (SQE).

- In the event that works do not commence within 12 months of the date of the most recent bat activity survey (July 2021 - EcoNorth Bat Survey) an update ground walkover survey will be required to determine that the structure's condition has not significantly changed. If works do not commence within 24 months from the date of the survey, or the structure's condition has significantly changed, updating activity surveys will be required to inform the assessment and inform a Natural England license application, in the event any bat roosts are recorded at that time.

### 1.53 Additional Landscape Comments

1.54 A tree survey and method statement has been provided (January 2022 Eco North). The Method Statement is in accordance with BS5837 and details the location, type and height of tree protective fencing, together with details on how to minimise damage to tree roots. The tree survey and AMS is acceptable, and the condition can be changed to 'All works to be undertaken in accordance with the tree survey and AMS as submitted by Eco North (January 2022).

1.55 The landscape scheme is very ornamental which would be expected on a high profile scheme such as this, and supported by a small amount of new tree and woodland planting to the rear. I would be happy to accept this and change the condition to say the development shall be carried out in accordance with the submitted information.

1.56 The arboricultural method statement submitted by EcoNorth identifies T7 Sycamore tree as a category C tree. The applicant has been able to provide supporting information to justify its removal and given the topography of the site in that location, the applicant has advised that replacement is unlikely to be successful. It is proposed to plant native trees to the western boundary of the site to mitigate the loss. An amended planting plan, landscape plan, landscape maintenance strategy and site plan have been submitted. On this basis it is acceptable to remove T7.

1.57 Plans have also been provided to show the location of services, drainage and lighting that require excavations. The applicant has stated that the layouts demonstrate that the trenches won't cause damage to the tree root systems. The root protection areas are shown on the TPP plan and included in the Arboricultural Method Statement. The original lighting plan is superseded by an amended lighting plan which moves the cabling run away from the western boundary and out of the tree root protection areas.

### 1.58 Conservation and Urban Design

1.59 This is a locally listed building situated within Cullercoats Conservation Area. The conservation area character appraisal identifies the building as being of landmark quality with high interest. The building is architecturally interesting as

an example of 1930s seaside architecture, making a strong positive contribution to the conservation area. The building also has historical interest as a link to the history of recreational seaside pursuits and 20th century development of Cullercoats and Tynemouth. The building has been subject to extensions over the years, which have altered its character. This application follows the selective demolition of parts of the building which are not of significance and this application seeks permission for the new build elements and improvements to the site as a whole. The scheme has been developed with pre-application engagement with the local authority.

1.60 The design and layout of the extension is logically located and is a sensitive scale and height to the original building. The proposed building has a staggered north east elevation to provide sea views from each of the bedrooms, with first floor rooms also having a balcony. While this does not reflect the building line of the original building, it does not detract from its character and appearance. The extension also reflects the general arrangement and scale of the accommodation wing to the southern side of the site and therefore creates balance. The extension is slightly lower in height to the original building and the proposed materials complement the exterior appearance of the existing hotel.

1.61 The fish and chip shop and ice cream parlour are located to have frontage onto Grand Parade and are therefore the most visible parts of the new extension from the street scene. Following pre-application comments, the design has been streamlined and better reflects the art deco design of the original building. The proposed elevations show the proposed positions of signage, which will be subject to separate advertisement consent. Signage should be designed to complement the character and appearance of the building and it is recommended that signage is cut-out freestanding lettering, fixed individually to the building or fascia.

1.62 It is proposed that all of the existing windows are to be replaced with double glazed aluminium windows with a similar fenestration as existing. This is acceptable, however there are some concerns about the proposed colour for the windows which is identified as turquoise. Further supporting information is required to set out how this will affect the overall appearance of the building and how successfully the colour scheme will sit within its surrounding context. Alternatively, the detailed design and colour of the windows could be conditioned.

1.63 The proposed materials for the hard surface areas are not identified on a plan, however the design and access statement sets out that “car parking areas are to remain as black tarmac, repaired or resurfaced as necessary”. High quality surface materials are expected to be used, particularly in areas fronting the public realm. Surface materials should be conditioned, or further information submitted with the application.

1.64 The application identifies areas for soft landscaping which has the potential to complement and enhance the building and its setting within the street scene. The detailed design for the landscaping is not shown on the current plan, and this

should be conditioned, or further information submitted with the application.

1.65 There is an existing terrace located to the front of the hotel. A new lower terrace linked to this is proposed via steps and a ramp suitable for wheelchair access. The new lower terrace would presumably require some of the ground levels to be raised and it is unclear what overall impact this would have. Existing and proposed levels and a cross section for this area should be submitted.

1.66 The existing terrace walls are proposed to be demolished and rebuilt to match the existing site perimeter walls. It is proposed to install glass and steel balustrades to a height of 1100 mm to allow views from the terrace whilst providing the required safety for the users of the facility. This is acceptable, however it is recommended that the glass balustrades are frameless and the detailed design should be conditioned.

1.67 The roof plan shows plant equipment on the roof of the new fish and chip shop and ice cream parlour, however this is not shown on the elevations. Further information is required to demonstrate if this would be visible from the street scene or if it would be concealed by the parapet roof. There would be significant concerns if the equipment was visible from the street scene.

1.68 The further information requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline.

1.69 Suggested Conditions:

- a) All external construction materials should be submitted and approved.
- b) All new or replacement rainwater goods should be cast iron.
- c) The detailed design of the glass balustrades should be submitted and approved.
- d) The proposed materials for the hard surface areas should be submitted and approved.
- e) A detailed landscape plan should be submitted and approved.
- f) The detailed design, colour and material specification for the windows should be submitted and approved.
- g) The design and location of any fixed external seating should be submitted and approved.

1.70 Additional comments

1.71 The revised plans address the previously raised concerns regarding the levels and fish and chip shop plant.

1.72 A landscape plan, previously suggested to be conditioned, is no longer required as this has been provided.

1.73 The proposed surface materials for the parking area on Beach Road is tarmac which is not supported. Although this is tarmac at present, the total area

of hard surfacing proposed would be considerably increased with new hard surface seating areas fronting onto Grand Parade. To balance out the overall impact of the increased number of hard surface areas, high quality surface materials are expected to be used, particularly in areas fronting the public realm such as Beach Road.

1.74 Previous advice recommended that the glass balustrades are frameless to minimise their impact. This is not reflected in the proposed design.

#### 1.75 Local lead Flood Authority

1.76 I can confirm I have no objections to the proposals as it will not lead to an increased flood risk to the development or the surrounding area.

### 2.0 External Consultees

#### 2.1 Northumberland and Newcastle Society

2.2 The Northumberland and Newcastle Society (N&N) supports grant of approval for this application subject of the comments below.

2.3 The Committee was pleased to see the proposals to revive this hotel which has

a valued place in the history of Tynemouth as a seaside resort, lies within the Cullercoats Conservation area and is included in the Local Register of buildings of architectural and historic interest.

2.4 The appraisal of the application would have been made much easier if the plans

had named the rooms in the original part of the building which are to remain, so that a better understanding would have been possible of how the hotel is intended to work. For this reason it is also a great shame that the original ground floor plan is not reproduced in the Heritage statement, only the first floor plan.

2.5 We would also have liked to see the original north elevation restored, after the

demolitions have taken place. This would involve relocating the gents' toilet and the ice cream and fish and chip shops. No doubt these are considered commercially desirable but however well designed they will detract from the experience of using the building itself, especially for users of bedrooms 1.28 to 1.33 which will have their views of the sea marred by the flat roofs and roof mounted air handling equipment, may be from odours too. We consider this aspect should be given further thought.

2.6 As a condition of approval we consider that detailed plans of the existing and new windows should be required of the applicant to ensure that they follow the existing design of the art deco frames, which have an unusual "period" pattern of glazing bars. We note that many of the panes of glass are curved and we consider it is essential to preserve this characteristic of the period style of the original building. We believe this attention to detail will deliver an outstanding stylish building that will prove a great attraction to guests and an asset the applicant can be truly proud of.

#### 2.7 Northumbrian Water

2.8 No comments to make.

## 2.9 Natural England

### 2.10 SUMMARY OF NATURAL ENGLAND'S ADVICE INTERNATIONALLY AND NATIONALLY DESIGNATED SITES – NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION

2.11 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

2.12 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

2.13 Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

2.14 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

2.15 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

2.16 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

2.17 Sites of Special Scientific Interest Impact Risk Zones:

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

### 3.0 Representations

3.1 2no. objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.
- Inappropriate design.
- Loss of privacy.
- Loss of visual amenity.
- Nuisance – disturbance.
- Nuisance – noise.
- Out of keeping with surroundings.
- Will result in visual intrusion.
- No more ice cream parlours and fish and chip shops are needed in the area.
- Negative impact on local residents who have suffered for years from the hotel.
- Why can't they upgrade the existing bedrooms.
- I have no objection to the redevelopment of this neglected building.
- Loss of sea view.
- Will the existing trees next to the Metro remain?

3.2 1no. letter of support has been received. This is summarised below.

- The hotel has been an eyesore for too long.
- The building deserves investment and an overhaul.
- After completion I do not believe it will impact negatively on surrounding properties.

3.3 1no. representation has been received.

3.3 NTHCA and the National Taxi Association state that a 2-car taxi rank should be included.



**Application No:** 21/02355/FUL Author: Rebecca Andison  
Date valid: 16 November 2021 ☎: 0191 643 6321  
Target decision date: 15 February 2022 Ward: Riverside

Application type: full planning application

**Location: Former Motor Hog, Wallsend Road, North Shields, Tyne And Wear,**

**Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8**

Applicant: Mandale Construction Ltd, C/O Agent

Agent: ELG Planning, Mr Thomas Gibbons Gateway House 55 Coniscliffe Road Darlington DL3 7EH

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - Employment and Training: £15,000 towards employment initiatives within the borough
  - Travel Plan Bond: £10,000
  - Travel Plan Monitoring Fee: £1,250 (£250 per annum).
  - Ecology: £18,900 towards habitat creation, management and monitoring

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

## 2.0 Description of the Site

2.1 The application site is located on Wallsend Road adjacent to the A187/A193 roundabout. It has an area of approximately 1.5 hectares.

2.2 The site was previously used for the disposal, storage and salvage of motor vehicles and is now vacant. To the south of the site is an area of dense shrub which separates the site from the Metro line. The A187 and Wallsend Road run along the sites western and northern boundaries, and to the east is a timber merchant.

2.3 Access is from Wallsend Road where there are two entrance points.

2.4 The site is allocated for employment use within the Local Plan and lies within the A19 Economic Corridor.

## 3.0 Description of the proposed development

3.1 Planning permission is sought to demolish the existing buildings and construct 39no. hybrid units to be used for B2/B8 purposes.

3.2 It is proposed to construct 24no. 'Type A' units, each measuring 137 sq m in area, and 15no. 'Type B' units, measuring 211 sq m. The Type A units are 2-storey and have a ridge height of 9.1m (increased from 8.5m), while the single storey Type B units have a ridge height of 9.4m (increased from 9.2m).

3.3 The proposal includes 132no. parking spaces which would be accessed via 2no. access points from Wallsend Road.

3.4 The application is a re-submission of a previously approved application. The units proposed under the revised scheme are set further off the southern boundary, so they do not encroach into the scrub adjacent to the Metro line. The revised development also includes a sub-station, 3no. metre rooms and indicates the location of cycle storage facilities

## 4.0 Relevant Planning History

74/00284/FUL - Two small extension stores to existing plant.

Approved: 27.06.1974

76/01348/FUL - Change of use from manufacture of woodwool slabs to heavy goods vehicle sales/service depot.

Approved: 17.08.1978

94/00339/FUL - Erection of steel galvanised palisade fence to replace partly damaged and demolished wire mesh fence.

Approved: 17.05.1994

02/00229/FUL - Change of use from Storage and manufacture of construction materials to end of life vehicle depolluting centre. Storage and disposal of insurance salvage motor vehicles.

Approved: 24.05.2002

09/02814/FUL - Erection of new single storey garage (vehicle workshop) and reconfiguration of existing carpark including an increase in car parking spaces (Amended Description 20.01.2010)

Approved:20.01.2010

21/01028/FUL - Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8 – Permitted 15.11.2021

## 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

## 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are;

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in an appendix to this report.

### 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.6 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.7 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.8 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.9 The proposal is to develop a currently vacant site to provide 39no. new industrial units to be used for B2/B8 purposes, with ancillary office accommodation on the 1<sup>st</sup> floor of the Type A units. The site is allocated for employment purposes within the Local Plan.

8.10 The proposal complies with the allocation of the site and would secure economic development in accordance with the NPPF. The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on surrounding occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely

effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 Policy S1.4 of the Local Plan states that development should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 The site is located within an area that contains both industrial and residential uses. Beyond the A187 to the west is a waste recovery and recycling facility, and immediately to the east is a timber/fencing merchant. The closest residential properties are located approximately 45m to the east on Kilburn Gardens and 50m to the south east on Brunton Street.

9.5 It is proposed to construct 39no. industrial units. The proposed hours of operation and the exact nature of the use are not specified.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that she has concerns regarding the potential impact of noise from the operation of the site and from plant and equipment. The impact of odours is also a concern should flues and vents be required. She notes that no noise assessment has been provided.

9.7 To control the potential noise impact the Manager of Environmental Health recommends conditions to restrict the hours of operation, requiring a noise scheme to assess the impact of operational and plant noise, to control any external vents/flues and the storage of dusty material and waste.

9.8 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policy DM5.19 subject to the conditions recommended by the Manager of Environmental Health.

#### 10.0 Character and appearance

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into

account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 The Design Quality SPD applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.5 The application site is located within an established industrial area. It is currently vacant.

10.6 The proposed development contains a mixture of single and 2-storey units with a maximum height of 9.4m. The units would have pitched roofs and the external elevations would be finished in artificial stone and light grey cladding. Concrete tiles and metal sheeting are the proposed roofing materials.

10.7 The site is laid out with 24no. units facing the A187 to give the appearance of an active employment area. The other units are arranged in blocks of three with parking at the front and service yards at the rear.

10.8 The proposed units are considered to be of an acceptable height and the varied material palette would add interest to the elevations. Planted areas are proposed at the site entrance, along the western boundary and within the car park to soften the appearance of the development.

10.9 The proposal is in keeping with the character of the surroundings, and the units are considered to be of an acceptable size and design.

10.10 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable and in accordance with Policy DM6.1.

#### 11.0 Whether there is sufficient car parking and access provided

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

11.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

11.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

11.6 The application is supported by a Transport Assessment (TA).

11.7 132no. parking spaces and 24no. cycle storage spaces are proposed.

11.8 Vehicle access to the units would be from the A193 where Wallsend Road is accessed via a left in, left out priority junction. From Wallsend Road two access points are proposed into the site. The TA advises that pedestrian access would also be from Wallsend Road, which does not have any formal footway provision, but is lit and is not heavily trafficked. Footways and pedestrian crossings on the A193 and A187 provide access to the nearby residential areas of Howdon, Chirton and Percy Main. Cycle access can be gained via a cycle path which runs along the A187 and Wallsend Road and connects to the National Cycle Network. Bus services are available on the A197 and High Flatworth. In terms of trip regeneration, the TA states that the development is anticipated to generate 50 two-way vehicle trips in the AM peak hour and 38 two-way vehicle trips in the PM peak hour.

11.9 The Highway Network Manager has been consulted and raises no objections to the proposal. He advises that car and cycle parking has been provided to meet the needs of the development and the TA demonstrates that the development would not have a severe impact on the local highway network. He also notes that a scheme to improve High Flatworth roundabout has been implemented in recent years.

11.10 Having regard to the above, and subject to the conditions requested by the Highways Network Manager, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

#### 12.0 Landscaping and ecology

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

12.5 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

12.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate



assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.7 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

12.8 A Preliminary Ecological Appraisal, Ecological Impact Assessment, Biodiversity Metric and Arboricultural Method Statement and Impact Assessment (AIA) have been submitted in support of the application.

12.9 The site is covered mainly by bare ground with scattered scrub around the boundaries and buildings, and a small area of grassland to the north. There is an area of dense shrub and trees along the southern boundary with the Metro line.

12.10 The buildings have been assessed and found to have negligible potential to support roosting bats. The habitat along the southern boundary provides some potential for foraging/commuting bats.

12.11 The Ecological Impact Assessment states that the site has limited opportunities for nesting birds, negligible potential for reptiles and contains no habitats suitable for protected mammals. Butterfly surveys have been carried out. These found no dingy skipper butterflies, and the site was assessed as having negligible suitability for this species.

12.12 The AIA sets out that the development requires the removal of 1no. individual tree (category B1) and sections of 3no. tree groups (Category B2 and C2). There would also be some encroachment into the root protection areas of retained trees.

12.13 The development would result in the loss of all the existing habitats on site with the exception of the dense scrub at the southern boundary. A landscaping scheme has been submitted to provide replacement grassland and scrub habitat, trees planting and hedgerow. The Biodiversity Officer and Landscape Architect note in their comments that the proposed landscaping scheme is an improvement to the previously approved scheme.

12.14 Biodiversity calculations have been carried out and these show that with the proposed landscaping the development would result in a net loss of 0.89 (28%) habitat units.

12.14 The Landscape Architect and Biodiversity Officer have provided comments. They advise that a financial contribution for the delivery of habitat creation on Council owned land will be required given that the scheme results in a net loss of biodiversity units from within the site. Conditions are recommended in respect of tree protection measures, requiring a detailed landscaping scheme and maintenance schedule, bird and bat boxes and external lighting.

12.15 To mitigate for the net loss of biodiversity units on site the applicant has agreed to make a financial contribution of £18,900 towards offsite habitat creation and maintenance.

12.16 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer and a financial contribution towards off-site habitat creation, it is officer advice that the impact on trees and ecology is acceptable and in accordance with the NPPF and Policies DM5.5 and DM5.9 of the Local Plan.

### 13.0 Other issues

#### 13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.4 The site lies within the Contaminated Land Buffer Zone. The application is supported by a Phase I Desk Study and Phase II Site Investigation.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She advises that conditions are required to address the potential contamination and gas risk.

13.6 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

#### 13.7 Flooding

13.8 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.9 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.10 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.11 The application site is located within Flood Zone 1 and is at low risk of surface water flooding.

13.12 A Flood Risk Assessment and Outline Drainage Strategy has been submitted as part of the application. Surface water would be collected using permeable paving or an underground storage tank before discharge into Northumberland Water's existing drainage system at a restricted discharge rate of 20.6l/s using a flow control device. Foul water would be discharged into the existing sewer network.

13.13 The Local Lead Flood Officer has provided comments. He states that he has no objections to the proposals given that surface water attenuation is proposed for up to a 1in100yr rainfall plus a 40% increase for climate change. He recommends that conditions are imposed in respect of the detailed drainage design and a SUDs management plan.

13.14. Northumbrian Water states that they have no objections to the development subject to it being carried out in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy.

13.15 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition to control the surface water drainage details, the proposed development accords with the relevant national and local planning policies.

#### 13.16 S106 Contributions

13.17 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.18 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

13.19 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.20 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the

application's overall conformity with the presumption in favour of sustainable development.

13.21 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,
  - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

13.22 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.23 The following contribution has been requested by service areas and agreed with the applicant:

- A financial contribution of £15,000 towards employment initiatives within the borough
- Travel Plan Bond: £10,000
- Travel Plan Monitoring Fee: £1,250 (£250 per annum)
- £18,900 towards habitat creation, management and monitoring of that habitat for a period of 30 years.

13.24 The above has been reported to IPB. The contributions are considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

13.25 A CIL payment will not be required for this development.

#### 13.26 Local Financial Considerations

13.27 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

13.28 The proposal would result in the creation of jobs during the construction phase and within the industrial units once the development is complete.

## 14.0 Conclusions

14.1 The proposal accords with the allocation of the site and would secure economic development in accordance with the NPPF. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, biodiversity and trees, and the impact on the highway network.

14.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a S106 agreement.

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - Employment and Training: £15,000 towards employment initiatives within the borough**
  - Travel Plan Bond: £10,000**
  - Travel Plan Monitoring Fee: £1,250 (£250 per annum).**
  - Ecology: £18,900 towards habitat creation, management and monitoring**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

- Application form
- Site location plan 21-10/002B
- Proposed site plan 21-10/001Q
- Proposed plans and elevations block type B Units 25-39 21-10/004C
- Unit type A (hybrid) elevations sheet 1 21-10/C 104A
- Unit type A (hybrid) elevations and sections sheet 2 21-10C 105A
- Construction elevations Units 9-16 21-10/C 109
- Construction ground floor plan units 9-16 21-10/C 107
- Construction first floor plan 21-10/C 101A
- Construction ground floor plan 21-10/C 100B
- Detailed landscape proposals 3788/1 Rev.C
- Proposed cycle stores 21-10/005
- Materials schedule

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL                      MAN02                      \*

3. Restrict Hours No Construction Sun BH                      HOU004                      \*

4. Facilities for the storage of refuse and recycling, which should also include the provision of wheeled for all waste types, must be provided in accordance with the approved plans prior to occupation of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

5. No part of the development shall be occupied until an area has been laid out within the site for heavy goods vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. The submitted Construction Management Plan shall be implemented and complied with during and for the life of the works associated with the development.

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to policies DM5.19, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Notwithstanding the submitted Travel Plan, the development shall not be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter. The travel plan shall thereafter be implemented in accordance with the agreed details.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall be thereafter retained and not used for any other purpose.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. The scheme for undercover cycle storage shall be laid out in accordance with the approved plans and thereafter retained.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

12. Prior to operational activities taking place at the industrial units a noise management plan must be submitted to and agreed in writing by the Local Planning Authority. The plan must include an assessment of noise impacts arising from activities within the site and where necessary details of mitigation measures and management controls to ensure the rating level of the industrial activities, when assessed in accordance with BS4142, does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented in accordance with the agreed details and thereafter retained.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels without the plant operating at the site and that appropriate mitigation measures are taken where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Thereafter the plant must be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Within one month of the installation of any external plant or equipment acoustic testing must be undertaken to verify compliance with condition no.13 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. There shall be no burning of materials on the site.  
Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.
16. There shall be no external storage of any dust generating materials on the site.  
Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.
17. Noise No Tannoys Externally Audible                      NOI002    \*
18. No deliveries or collections shall take place outside the hours of 07:00 and 23:00 on any day.  
Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.
19. The units shall not operate outside the hours of 07:00 to 23:00 on any day.  
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
20. Prior to the installation of any external vents and chimneys details of their height, position, design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
21. No air ventilation systems shall be installed unless the details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
22. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:
- a statement of frequency of use, and the hours of illumination;
  - a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
  - details of the number, location and height of the proposed lighting columns or other fixtures;
  - the type, number, mounting height and alignment of the luminaires;
  - the beam angles and upward waste light ratio for each light;
  - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting



engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

External lighting should be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and to ensure local wildlife populations are protected; having regard to policies DM5.5 and DM5.19 of the North Tyneside Local Plan (2017).

23. No development shall commence until the detailed drainage design of the surface water management scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage design must accord with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report" dated "25 October 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3501 and ensure that surface water discharges to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 20.6 l/sec that has been identified in this sewer. The agreed scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

24. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure, contact details for the company responsible for this work and the maintenance procedure for the Bypass separator must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development would not increase flood risk in accordance with NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

25. No trees, shrubs or hedges within the site other than those shown to be removed within the submitted AIA shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

26. No development shall commence until a detailed plan showing services and drainage that require excavations, and which provides for the long term protection of the existing trees on the site and adjacent to the site, has been

submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. An updated/supplemental AIA/AMS must also be submitted. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

27. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, must be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method must be submitted to and approved in writing by the Local Planning Authority prior to the work taking place. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

28. Any trees identified for removal at the southern end of the site amongst the dense scrub habitat must be soft felled. Each section of the tree must be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.

Reason: In the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

29. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

30. Within 1 month of completion of the development bird and bat boxes must be provided in accordance with the details set out in Section 5 of the Ecological Impact Assessment Report dated 21st October 2021(Whitcher Wildlife Ltd).

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

31. Any excavations left open overnight must be provided with a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

32. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme must be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd October 2021) and must include a detailed specification and proposed timing for all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. Where trees/shrubs are to be planted adjacent to the railway boundary these trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

33. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

34. Notwithstanding condition 1, prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure a satisfactory environment within the development; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

35. Remediation Method Statement	CON005	*
36. Validation Report	CON006	*

37. Unexpected Hotspots	CON007	*
38. Gas Investigate no Development	GAS006	*

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

Do Not Obstruct Highway Build Materials (I13)

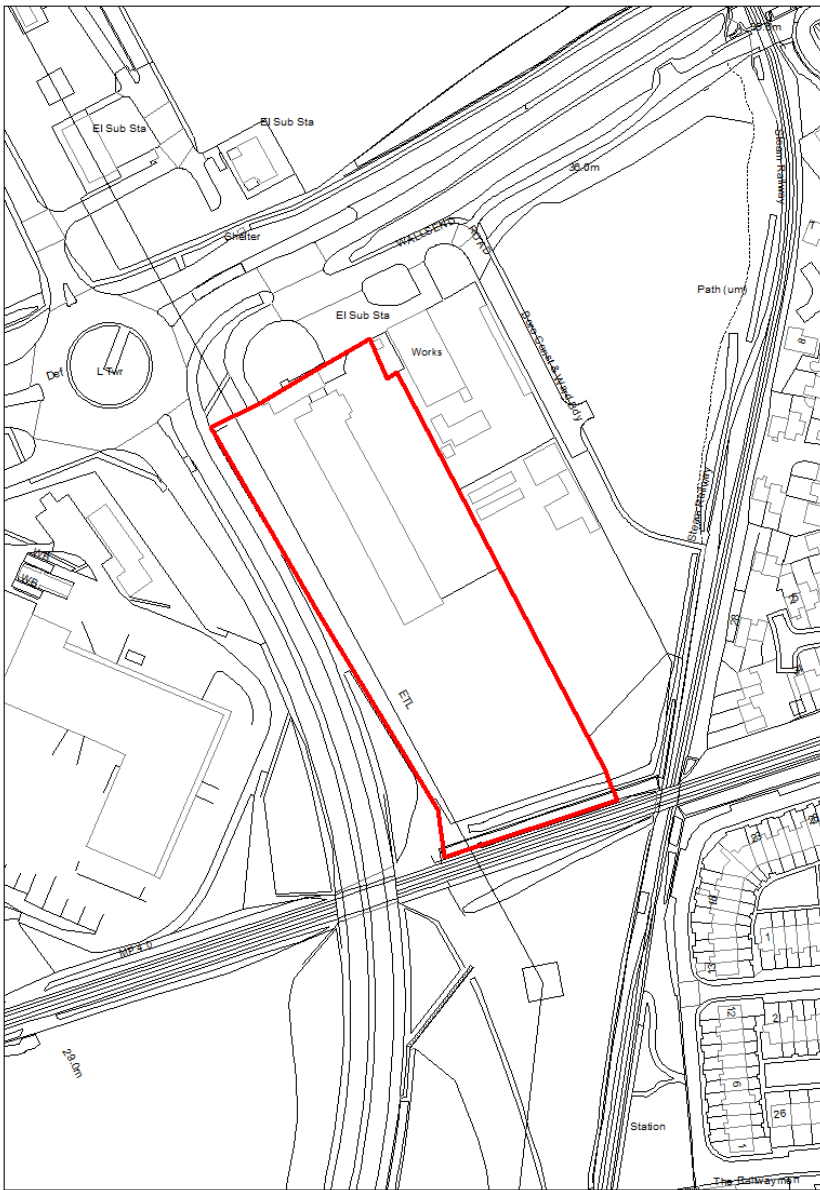
Street Naming and numbering (I45)

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

No Doors Gates to Project Over Highways (I10)

Building Regulations Required (I03)



**Application reference: 21/02355/FUL**

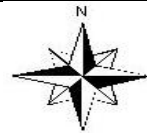
**Location: Former Motor Hog, Wallsend Road, North Shields**

**Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the existing buildings and erection of 39 hybrid units for use class B2 & B8.

1.3 A Transport Assessment (TA) was submitted that assessed the development against the local highway network. It is considered that the impact will not be severe and as such no off-site mitigation will be required. It should also be noted that a scheme to improve High Flatworth roundabout has been implemented in recent years. The site has good links with public transport and a condition is recommended to require a Travel Plan (TP) & Electric Vehicles (EV) charging points

1.4 The site is accessed via the old Wallsend Road and its existing access with the A186 Wallsend Road dual carriageway. Parking and cycle parking have been provided to meet the needs of the site and conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for heavy goods vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter. Reason: To accord with Central Government and Council Policy concerning sustainable transport.

Notwithstanding the details submitted, the Construction Management Plan shall be implemented in accordance with the agreed details and retained throughout the entire construction period. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

#### 1.7 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk)

for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

#### 1.11 Manager of Environmental Health (Pollution)

1.12 I would be concerned about potential noise from plant and equipment and operational noise arising from the new commercial/light industrial buildings and also any potential odours arising from activities at the site if new flues or vents were installed. The site is located adjacent to residential properties of Kilburn Gardens some 45 metres to the east of the site and Brunton Street some 51 metres to the south east of the site.

1.13 I have reviewed the air quality assessment. This has considered potential dusts arising from construction activities and potential operational air quality impacts. The assessment determined that there was a medium risk of dust soiling during construction but this would not result in significant adverse impacts if control measures are employed. Air quality impacts arising from the operational phase were screened out and considered to give rise to negligible impacts.

1.14 No noise assessment has been provided to assess potential noise impacts from this development. To control potential noise impacts I would recommend conditions are attached to any approval to restrict operations to daytime hours only and to require a noise scheme to assess the industrial operations at the site and determine if acoustic screening or sound mitigation measures are required. I would also recommend conditions to require details to be submitted for approval for any vents of flues to be installed at the units. I would also require that any noise arising from any external plant and equipment that might be installed in the units would need to be assessed for impacts on nearby sensitive receptors. If the occupiers of the units were required to store dusty materials or storage of wastes then this could give rise to potential nuisance to neighbouring sensitive receptors, I would therefore recommend conditions to prevent such activities.

1.15 If planning consent was to be given, I would recommend the following conditions.

- Prior to operational activities taking place at the industrial units a noise management plan must be submitted to the planning authority for agreement in



writing and thereafter implemented. The plan must provide details of the assessment of noise impacts arising from the activities occurring at the industrial units and any mitigation measures and management controls required where necessary to ensure the rating level when assessed in accordance with BS4142 of the industrial activities at the industrial units does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented and thereafter retained.

- Installation of External Plant and Equipment:

A noise scheme must be submitted in accordance with BS4142 to determine the noise rating level of external plant and equipment operating at the site and that appropriate mitigation measures are taken where necessary to ensure the rating level of the plant and equipment does not exceed the existing background noise level.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

- There shall be no burning of materials on the site.

Reason: In the interests of protecting the amenities of the occupiers of surrounding land and properties.

- There shall be no external storage of any dust generating materials at the industrial units.

- NOI02

- No deliveries and collections shall be permitted to the industrial units between 23:00 hours and 07:00 hours.

- EPL01 for any external vents and chimneys

- EPL02

- HOU03 0700-2300 hours

- HOU04

- HOU05

- SIT03

- REF01

- REF02

- LIG01

### 1.16 Local Lead Flood Authority

1.17 I have carried out a review of the surface water drainage proposals in planning application 21/02355/FUL. I can confirm in principle I do not have any objections to the proposals. The applicant will be providing surface water attenuation on site via the use of an underground storage tank which will contain surface water within the site for up to a 1in100 year rainfall event plus a 40% increase for climate change. The surface water from the site is then proposed to discharge into the local surface water sewer network at a restricted discharge rate of 20.6l/s using a flow control device.

1.18 I would recommend the following conditions are placed on the application:

- Detailed drainage design to be submitted to LLFA for approval prior to construction.
- Suds Management plan to be submitted to LLFA for approval prior to occupation.
- Details on the maintenance procedure for the Bypass separator.

#### 1.19 Landscape Architect and Biodiversity Officer

1.20 The application is for the demolition of existing buildings and erection of 39no. hybrid units at the former Motorhog site, Wallsend Road, North Shields.

1.21 The site comprises of a linear building to the centre of the site with a single storey, brick office block located on the northern area of the site. The remainder of the site is made up of hardstanding with two vehicle access points into the site off Wallsend Road to the north. To the north is the A193, to the east is an industrial building with associated yard, to the south of the application site is the Nexus Metro line, and to the west is the A187.

1.22 The Local Plan designates the site as part of employment allocation E031, known as Wallsend Road Industrial Area and is identified as employment land.

1.23 Arboricultural Impact Assessment (AIA) and Method Statement (AMS):  
The site includes scrub within the site and scattered trees along the southern and western boundaries. An Arboricultural Method Statement incorporating an Impact Assessment (dated September 2021) has been undertaken in accordance with BS 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012). The trees are not protected by a Tree Preservation Order or located within a Conservation Area, however, the trees on the site contribute to the amenity of the local urban landscape and therefore are a material consideration under local plan policy DM5.9.

1.24 The impacts associated with the development are:

- Loss of trees due to the proposed layout
- Construction within root protection areas
- Location of utilities runs with Root Protection Areas.
- Damage to trees within site during demolition and construction.
- Damage to structures from trees

1.25 The proposed layout will necessitate the removal of one individual cherry tree (T1B) and sections of G1(B), G2(C) and G4(B), shown on the group data sheet as G3. G1 contains a number of cherry trees; G2 contains a large number of laurel and G4(B) contains a mix of buddleia, hawthorn, willow and Birch. A large section of Group 4 is located beyond the existing site fence to the south and would need to be removed to construct the proposed infrastructure. It is expected that a section of trees close to the Metro line can be retained. There is no tree removal proposed in relation to G3.

1.26 Some of the overhanging trees within the timber yard might need to be crown lifted or pruned back. In addition, there will be some encroachment from the proposed structures within root protection areas of retained trees. Parking is

to be constructed within the root protection area and crown spread of T2, located within the sub-station. The level of encroachment is minor and given that much of the surrounding area is already concrete. Some pruning of the overhanging canopy is likely to be required.

1.27 The AIA states that utility runs must not be located within any of the retained tree root protection areas. Any works to existing utilities will be undertaken with regard for the retained tree cover and will be in accordance with NJUG (National Joint Utility Groups) guidelines. A condition will be applied to ensure no damage to tree is undertaken.

1.28 Tree protective fencing will be installed around the retained trees and demolition/development areas to ensure that the trees and the soil medium within which they are growing are protected from damage. The position of the tree protective fencing is shown on the Tree Protection Plan, Appendix 4 with a specification within Appendix 5.

1.29 The report also confirms that at the beginning of the construction phase, the site manager will appoint a delegated site representative who shall be responsible for continued checking of the protective barriers to ensure it is compliant with the exclusion zone.

1.30 Ecological Impact Assessment (EclA) & Biodiversity Net Gain (BNG):  
A Preliminary Ecological Appraisal (PEA) was carried out on 17th March 2021. Following this survey, Dingy Skipper surveys were requested, and three survey visits were carried out on 2nd, 4th and 21st June 2021. Upon completion of all survey work, an Ecological Impact Assessment (EclA) was submitted to support the application. (Whitcher Wildlife Ltd – October 2021) along with a Biodiversity Metric spreadsheet for the site.

1.31 The habitats on the site are all common habitats and the majority of the site offers low ecological value. The area of dense scrub with scattered trees at the southern end of the site provide the highest ecological value on the site, but this is an enclosed area of habitat that is already subject to some level of disturbance. No dingy skipper butterfly were found and the site was assessed as having negligible suitability for this species. The buildings on site proposed for demolition were both assessed as having negligible suitability for roosting bats, although the dense scrub habitat at the southern end of the site and the edges of the adjacent scrub habitats adjacent to the boundaries of the site provide some potential for foraging and commuting bats and habitat for breeding birds. The site was also assessed as having negligible potential for reptiles.

1.32 The habitats lost on site include mixed scrub, modified grassland, ruderal/ephemeral vegetation and urban street trees. A Biodiversity Net Gain Assessment has been undertaken and the results of this assessment, with on-site landscaping, indicates an overall loss of 0.89 biodiversity habitat units within the site which equates to a net loss of 28%.

1.33 Landscape Scheme:

The submitted Landscape Scheme (DWG No. 3788/1 Rev C) is an improvement on the previous scheme submitted for planning application 21/01028/FUL. The

proposed landscape plan shows that more native scrub has been retained within the site and there is a variety of landscaping that includes standard and heavy standard tree planting, native hedging, scrub and wildflowers. A native hedge and native shrub mix is proposed along the length of the western boundary behind car parking spaces which will improve this boundary. The scheme will result in a net loss of 0.89 habitat units which equates to a net loss of 28% and subsequently off-site compensation will be required. As the applicant has no other land to deliver the off-site compensation in North Tyneside, they have agreed to provide a financial contribution to the Council for the delivery of habitat creation on Council land (including maintenance and monitoring) to deliver a net gain.

#### 1.34 Conditions

- No trees, shrubs or hedges within the site other than those shown to be removed on the AIA shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.
- Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), construction of vehicular drives, parking areas, installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012), a revised Arboricultural Method Statement (AMS), including a Tree Protection Plan, (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. This is to include any impacts associated with the installation of utilities. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. Tree protective fencing surrounding each tree group /hedgerow is to be installed prior to any work commencing and shall remain for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- No development or other operations shall commence on site until a detailed plan showing services and drainage that require excavations, and which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority.
- All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, are to be carried out in complete

accordance with the revised Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

- The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works
- Any trees identified for removal at the southern end of the site amongst the dense scrub habitat will be soft felled. Each section of the tree will be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.
- External lighting will be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.
- No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- Bird and bat boxes will be provided upon completion of the development, in accordance with the details set out in Section 5 of the Ecological Impact Assessment (EclA) Report dated 21st October 2021(Whitcher Wildlife Ltd)
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd June 2021). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the

approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

- A financial contribution for the delivery of off-site compensation will be agreed with the LPA prior to any planning approval and the agreed sum will be paid to the LPA prior to development commencing on site.

#### 1.16 Manager of Environmental Health (Contaminated Land)

1.17 This application is for 'Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8'.

1.18 The Phase1 report has indicated that asbestos containing materials may be present in the existing buildings. An asbestos survey should be carried out prior to demolition and any findings acted upon accordingly.

1.19 The Phase 2 report stated that:

During the initial site strip, proposed soft landscaped areas should be excavated to 0.45mbgl or natural ground (whichever is the shallowest). Any deleterious materials encountered (i.e. ash, slag, brick rubble and concrete) should be removed and placed beneath areas of permanent hardcover. Topsoil and subsoil from around the site is deemed unsuitable for re-use given the elevated levels of speciated PAH.

1.20 If the material you excavate is only fit for use if it is encapsulated, it is likely that this will be regarded as a landfilling activity and may require a permit. Removing material and placing it under a hardcover is no longer acceptable.

1.21 Any material imported for landscaping will have to be suitable use and will require human health testing as well as testing to BS 3882:2015. Details of the suitable growing medium must be presented in a Phase 3 Remediation Statement.

1.22 Although the unique reference number for the LQM S4UL has not been included in the Phase 2 report, it has been subsequently provided via email.

1.23 The gas addendum report has shown that the site is classified as Characteristic Situation 2, however no information is submitted regarding the foundation design and gas protection measures proposed.

1.24 The following Conditions must be applied:

Gas 006  
Con 005

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 We have no comments or objections from a crime prevention viewpoint.

### 2.3 Northumberland Wildlife Trust

2.4 Dingy Skipper: Dingy skipper (*Erynnis tags*) is a Section 41 species of principle importance under the NERC (2006) Act, and a Newcastle and North Tyneside Biodiversity Action Plan priority species. Butterfly Conservation indicates that the flight period for this species peaks in mid-May and is largely finished by mid-June, in this region. Therefore, none of the survey dates indicated in the EclA Rev 2 cover the peak flight period for this species, and the last survey for dingy skipper was carried out at an inappropriate time. This species has been recorded directly north of the proposed development, and is prevalent in the surrounding area so it would not be unexpected to find this species here.

2.5 The National Planning Policy Framework (paragraph 179b) states that plans should *"promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species....."*. The North Tyneside Local Plan (policy DM5.5) states that all development proposals should *"protect the biodiversity and geodiversity value of land, protected and priority species"* and that proposals which may impact priority species *"are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation."*

2.6 As such, and given the presence of the species nearby, we feel that further survey at an appropriate time (i.e. mid- May) is required to accurately assess the presence of this species on site. However, if the applicant is unable to do further survey, then we would request that mitigation for this species is provided as per the requirements of the NPPF and the Local Plan.

2.7 Biodiversity Net Gain: The EclA Rev 2, and the provided Biodiversity Net Gain DEFRA Metric, indicate that this development will contribute an overall loss of 0.89 (-28%) habitat biodiversity units, with a positive gain of 0.76 hedgerow biodiversity units.

2.8 The NPPF states (paragraph 174d) that planning decisions should contribute to and enhance the natural and local environment by *"minimising impacts on and providing net gains for biodiversity...."*, and also states that (paragraph 179b) plans should *"identify and pursue opportunities for securing measurable net gains for biodiversity."* The Local Plan (policy DM5.5) states that proposals should *"incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity.."*

2.9 Given that the development will constitute an overall loss of biodiversity units, it fails to deliver biodiversity net gain and therefore does not meet the requirements of the NPPF or the Local Plan. The applicant should consider whether they are able to deliver further biodiversity units as part of this development.

2.3 Summary: Given the above, Northumberland Wildlife Trust objects to these proposals.

#### 2.4 Northumbrian Water

2.5 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public combined sewer at manhole 3501. Surface water flows will discharge to the existing public combined sewer at manhole 3501, at a restricted rate of 20.6 l/sec.

2.6 We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

2.7 CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report" dated "25 October 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3501 and ensure that surface water discharges to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 20.6 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

2.8 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

2.9 For information only:



We can inform you that a water main crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application.

#### 2.10 Coal Authority

2.11 The application site does not fall within the defined Development High Risk Area

and is located instead within the defined Development Low Risk Area. This means

that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

#### 3.0 Representations

3.1 None received.

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**Application No:** 21/00920/FUL Author: Rebecca Andison  
Date valid: 29 March 2021 ☎: 0191 643 6321  
Target: 28 June 2021 Ward: Preston  
decision date:

Application type: full planning application

**Location: Land At Former Tynemouth Victoria Jubilee Infirmary, Hawkeys Lane, North Shields, Tyne And Wear**

**Proposal: Proposed 51 no. of Extra care accommodation. Use Class C2 (Residential Institutions)(ADDITIONAL INFORMATION REGARDING C2 USE)**

Applicant: Sea Island Developments, Mr Mark Walton 101 Percy Street  
Newcastle-upon-Tyne NE1 7RY

Agent: JDDK Architects, Mr Oliver Hopwood Jane Darbyshire & David Kendall  
Ltd Millmount Ponteland Road NEWCASTLE UPON TYNE NE5 3AL

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to approve the application subject to:**
- i) the receipt of a scheme of off-site habitat creation to secure a net gain in biodiversity and comments from the Biodiversity Officer and Landscape Architect to confirm this information is satisfactory;**
  - ii) any agreement under Section 106 of the Land and Country Planning Act 1990 considered necessary to deliver this scheme; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application subject to the conditions listed below and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- Principle;

- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

## 2.0 Description of the Site

2.1 The application site is located on the east side of Hawkeys Lane, North Shields and has an area of approximately 0.5 hectares.

2.2 To the north of the site is a shared access road, Collingwood and Appleby Surgery's, a pharmacy and NHS therapy offices, and to the south is a newly built Aldi supermarket. The eastern boundary abuts the rear gardens of residential properties on Beech Court, and to the west is an ambulance station adjacent to Hawkeys Lane. Spring Gardens Primary School is located to the south east. The ambulance station and adjacent war memorial are grade II listed.

2.3 The application site is currently vacant and occupied by hardstanding, grass and trees.

2.4 The site is allocated for housing by the North Tyneside Local Plan (Site 63).

## 3.0 Description of the proposed development

3.1 The proposal seeks full planning permission for the construction of a 2-3 storey extra care development (C2 use class) comprising 51no. 1-bedroom apartments, communal facilities, gardens and car parking.

## 4.0 Relevant Planning History

19/01388/FUL - Hybrid application: Full application for Aldi store, associated car parking and landscaping; outline application (with means of access) for residential use  
Permitted 18.06.2020

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

### 8.0 Principle

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.8 Policy DM4.8 supports proposals for specialist housing, including extra care and supported housing, where the development is amongst other matters integrated into the local residential community. It also seeks to deliver and promote independent living.

8.9 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in this assessment.

8.10 The application site is identified for housing under Policy S4.3 of the North Tyneside Local Plan (2017). The Local Plan allocation (Site 63) includes an area of land to the north which is currently occupied by NHS buildings and lies outside the boundary of this application. The Local Plan suggests that the site could accommodate around 54no. new homes.

8.11 The SHMA sets out that North Tyneside has an increasing population over the age of 65 and that the range of housing options available to older people needs to be diversified. The provision of specialist housing is also supported by Policy DM4.8 where it is integrated into the local residential community.

8.12 The proposal comprises an extra care housing development for older people who do not want or need to move into a nursing home, but whose disability or health needs make ordinary housing unsuitable. It contains self-contained homes with additional support services to help residents live independently. The application site is located directly adjacent to local healthcare facilities and an Aldi store, which will provide day-to-day convenience shopping for residents.

8.13 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and Local Policies S4.1 and DM4.8. The principle of the proposed development is considered acceptable subject to consideration of the following matters:

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health

and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.7 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS).

#### *9.8 Impact on existing residents –*

9.9 The closest existing residential properties are located to the east on Beech Court. The eastern boundary of the site is shared with the rear gardens of No.'s 8 -11 Beech Court. The development would be located approximately 8.7m to 10.9m from this boundary, and approximately 16.7m to 18.9m from the rear elevations of No.'s 8 and 9. The eastern part of the development reduces in height to 2.5 storeys (9.6m to ridge) and the hipped roof is inclined away from the shared boundary to reduce the bulk of the building. While the development would be visible from the adjacent housing it is not considered that it would result in any significant loss of outlook when taking into account its position and height.

9.10 A Shadowing Study has been submitted to assess the impact of the development on light. This shows that the development may result in overshadowing of properties on Beech Court from 6.30pm at Summer Equinox, from 5pm at Spring Equinox and from 3pm-4pm at Winter Solstice. At Winter Solstice it may also cause some early morning shadowing of properties to the north on Landsdowne Terrace, but this is mostly offset by existing buildings. When taking into account that overshadowing would occur only for a limited period at certain times of year the impact on light is considered to be acceptable.

9.11 A first-floor landing window is proposed in the eastern gable elevation. To prevent any loss of privacy a condition is recommended stating that this must be obscurely glazed and either fixed shut or fitted with an opening restrictor. The north and south elevations of the development include first and second floor balconies, and a second-floor roof terrace is proposed at the west end of the building. These parts of the development do not overlook any residential properties and the impact on privacy is therefore considered to be acceptable.

9.12 Having regard to the above the impact on the living conditions of existing residents is considered to be acceptable.

#### *9.13 Impact on future occupiers –*

9.14 The application site is located between commercial uses to the north, an ambulance station to the west and an Aldi store to the south. A Noise Assessment has been submitted to consider the potential impact of noise from road traffic, the ambulance station, Spring Gardens Primary School and noise from the Aldi store. The assessment is supplemented by an addendum written in response to the Manager of Environmental Health's initial comments.

9.15 The Manager of Environmental Health has reviewed the assessment and provided comments. She states that properties on the south side of the development will principally be exposed to intermittent and intrusive noise from supermarket and therefore must be provided mechanical ventilation so residents can achieve adequate ventilation without the need to open windows. Conditions are recommended in respect of: a noise scheme to ensure that acceptable noise



levels are achieved within habitable rooms, mechanical ventilation scheme for south facing properties, construction hours and dust suppression.

9.16 Subject to these conditions the impact of noise on future occupiers is considered to be acceptable.

9.17 In terms of the Council's Housing Standards, the proposed 1-bedroom apartments should be 50 sqm. They would measure 50 sqm and 51 sqm and are designed to meet the requirements of Building Regulations M4(2) Accessible and Adaptable dwellings. The proposal therefore complies with policy DM4.9.

9.18 Each apartment has either a private balcony or direct access into the communal gardens, as well as access to a communal roof terrace. The landscaped garden includes seating, paths, planters and a resident's greenhouse and shed.

9.19 It is officer opinion that, subject to the conditions discussed above, the development would provide an acceptable living conditions for future occupiers and avoids having an adverse impact on existing residents. Members need to consider whether they agree.

#### 10.0 Impact on Character and Appearance

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

10.5 The Council has produced an SPD on Design Quality, which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.6 There are a variety of building styles in the surrounding area. Residential dwellings are typically 2-storey brick built semi-detached and terraced properties. Spring Gardens Primary School comprises a range of single storey brick buildings and NHS buildings to the north include a brick-built doctors' surgery and flat roofed buildings to the east. The Grade II Listed former Victoria Jubilee Infirmary and Hawkeys Lane War Memorial are located to the west of the site.

10.7 The proposed development is predominantly 3-storey in height reducing to 2-storey at either end to reduce its mass. Although higher than the surrounding buildings it is not considered that the height of the development would result in any significant harm to the streetscene or character of the area. The building line is staggered, and the pitched roof contains gable features to add interest to the elevations. Further visual interest is added by the mixed material palette which includes red brick, off-white render and a living-wall to the second-floor roof terrace.

10.8 A car park is proposed on the west side of the development. This would be separated from Hawkeys lane by the existing ambulance station car park and would not therefore result in any harm to the streetscene. A second smaller parking area is proposed adjacent to the northern boundary adjacent to the existing access road. The appearance of both areas would be softened by landscaping.

10.9 Overall, it is considered that the development is well designed to sit comfortably within the site and to relates well to the surrounding buildings. The impact on the setting of the two listed buildings is also considered to be acceptable.

10.10 In conclusion, it is considered that the proposal would accord with the advice in NPPF and policy DM6.1 and the Design Quality SPD. Members need to consider whether they agree.

#### 11.0 Landscaping and ecology

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.5 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.6 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.7 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.8 Housing developments have the potential to impact on the Northumbria Coast SPA through additional visitor disturbance and a contribution towards the Coastal Mitigation Service is normally required to mitigate this impact.

11.9 The Coastal Mitigation SPD states: "In general, developments such as hospitals and residential care/nursing homes will not be considered to have a likely significant effect with regard to recreational impacts but will be considered on a case by case basis taking into account potential "in combination" effects and any associated net change in residential occupancy for carers residing on the site".

11.10 The applicant has submitted a supporting statement to explain the nature of the proposed development. They advise that the development would be used for C2 (extra care) purposes only and that they would be willing to accept a condition to control this. Whilst a care provider has yet to be secured the development will only be open to individuals who meet a minimum level of care requirement. Services commonly include help from a housing manager, a dedicated team of care and support staff, 24-hour emergency help and communal lounges. The development is likely to accommodate residents with an average age of 80+.

11.11 Natural England have provided comments and state that they do not consider that the development will have a significant adverse impact on designated sites. It is therefore officer advice that, given that residents are unlikely to make frequent visits to the coast, a contribution towards the Coastal Mitigation Service is not required in this case.

11.12 The applicant has submitted a Biodiversity Net Gain Assessment, Preliminary Ecological Appraisal, Landscape Mitigation Plan, Arboricultural Impact Assessment and Arboricultural Method Statement.

11.13 The site currently contains an area of hard standing and areas of scattered grassland, scrub and trees.

11.14 The Preliminary Ecological Appraisal (PEA) advises that there are no structures or trees within the site which have the potential to support roosting bats and that foraging opportunities on site for local bat species are limited. There are no suitable wetlands within or within 500m of the site that are suitable for breeding great crested newt, and no evidence of dingy skipper butterflies was recorded during the butterfly survey. The (PEA) recommends that series of mitigation measures including the provision of bird and bat boxes and landscape planting.

11.15 To construct the development, it is necessary to remove all the existing grassland habitat, which equates to 3.87 habitat units. As part of the development, it is proposed to create new shrub, grassland and a rain garden, equating to 0.8 habitat units. This results in a net habitat loss of 80%. The applicant has advised that this loss cannot be sufficiently off-set within the site.

11.16 Existing trees would also have to be removed from the centre of the site. These comprise a group of mixed-species trees which the AIA assesses as Category C.

There are further trees along the eastern boundary which are protected by The Chase, North Shields TPO 1992. These trees would be retained and protected.

11.17 A Landscape Strategy Plan has been submitted. This includes 32no. new trees, hedge planting, a rain garden, wildflower turf and ornamental shrub planting.

11.18 The Biodiversity Officer and Landscape Architect have been consulted and provided comments. Their comments request additional information and raise concerns regarding the extent of habitat being lost. The additional information has been submitted and the applicant has agreed to make a financial contribution towards off-site habitat creation and maintenance to mitigate for the development. Details of the agreed mitigation and updated comments from the Biodiversity Officer and Landscape Architect will be reported to Members prior to the committee meeting.

## 12.0 Whether there is sufficient car parking and access provided

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 26no. parking spaces are proposed, including 3no. drop off/service bays and 2no. accessible bays. They would be accessed from the existing shared access road on the north side of the site. 10no. cycle parking spaces and a bin collection point are also proposed. A Transport Statement (TS) has been submitted. This states that the development would result in a maximum of 11 movements (arrival + departure) during peak hours, which would have a negligible impact on the highway network.

12.7 The Highway Network Manager has been consulted and raises no objection to the application. He advises that an appropriate level of parking would be provided for the development and notes that the site has good links with public transport.

12.8 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

### 13.0 Other issues

#### 13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.4 A Phase 1 and 2 Geo-environmental Assessment has been submitted. The Phase 1 report recommends ground investigation to confirm site conditions and gas monitoring. The Phase 2 report advises that remedial measures will be required in certain areas to mitigate future contamination risks.

13.5 The Contaminated Land Officer has stated that conditions will be required to address these issues. Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

### 13.6 Flooding

13.7 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.8 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.9 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.10 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. A Flood Risk Assessment (FRA) has been submitted. The FRA advises that there is a low risk of flooding to the site from fluvial; coastal; pluvial; groundwater; and sewer flooding. It is proposed to direct surface water to existing stub pipes left by Aldi to the south of the site. The surface water would be discharged at a restricted flow rate of 8.5 l/s, with attenuation provided within the site via an attenuation tank, permeable paving and a rain garden. Surface water flows would be contained within the site for storm events up to and including the 1 in 100 year + 40% climate change event.

13.11 The Local Lead Flood Officer has provided comments and states that he has no objections to the proposals. Northumbria Water have also confirmed that they have no objections and recommend that the Flood Risk and Drainage Strategy form part of the approved documents.

13.12 It is therefore officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

### 13.13 S106 Contributions

13.14 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.15 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and

c) Fairly and reasonably related in scale and kind to the development.

13.16 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.17 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.18 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,
  - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

13.19 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.20 The following contributions have been requested by service areas:

Ecology and biodiversity: £ 4,972

Parks and greenspace: £ 13,576

Employment and training: A financial contribution based on development costs

13.21 The proposal is for a C2 (residential care) development where all residents are over 55 years old and in need of care. Residents would be provided with landscaped gardens and due their age and care needs are unlikely to use parks and greenspace within the local area. It is therefore officer opinion that the requested contributions towards ecology and parks are not necessary to make the development acceptable in planning terms.

13.22 The need for a contribution towards the Coastal Mitigation service is discussed above and for the reasons set out is not considered necessary in this case.

13.23 The above has been reported to IPB, who have agreed that in this case no S106 contributions towards ecology/biodiversity, parks/greenspace or the Coastal Mitigation Service are required.

12.24 As set out above, a contribution towards off-site habitat creation and maintenance will be required. Details will be reported to Members prior to committee.

13.25 A condition is recommended in respect of providing apprenticeship opportunities during the construction phase.

#### 13.26 Local Financial Considerations

13.27 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

13.28 The proposal involves the creation of 51 no. new extra care apartments. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive.

13.29 As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

13.30 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

#### 14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The site is identified as being suitable for residential development under Policy S4.3 of the Local Plan and lies in a sustainable location, close to shops,



services and transport links. This proposal would provide extra care housing, which is a benefit of the scheme and a material consideration of substantial weight.

14.4 It is officer advice that the development would provide a well-designed residential living environment for future occupiers and would not have an adverse impact upon the character and appearance of the surrounding area, or on neighbouring properties. The impact on the highway network is also considered to be acceptable.

14.3 Subject to a financial contribution towards off-site habitat creation and maintenance to achieve a net gain in biodiversity, and comments from the Biodiversity Officer and Landscape Architect to confirm this scheme is satisfactory, the impact on biodiversity is also considered to be acceptable.

14.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject to a S106 agreement to secure a contribution (amount to be agreed) towards off-site habitat creation and maintenance and revised comments from the Biodiversity Officer and Landscape Architect to confirm the proposal is acceptable.

## **RECOMMENDATION:**

**The Committee is recommended to**

- a) indicate that it is minded to approve the application subject to:**
- i) the receipt of a scheme of off-site habitat creation to secure a net gain in biodiversity and comments from the Biodiversity Officer and Landscape Architect to confirm this information is satisfactory;**
  - ii) any agreement under Section 106 of the Land and Country Planning Act 1990 considered necessary to deliver this scheme; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application subject to the conditions listed below and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
  - Application form
  - Site location plan 3956 10 00 P2 Nov.2020
  - Proposed elevations 3956-JDK-XX-ZZ-DR-A-3001 P1
  - Ground floor plan 3956-JDK-XX-ZZ-DR-A-2001 P2
  - Upper floor plans 3956-JDK-XX-ZZ-DR-A-2002 P3
  - Proposed site plan 3956-JDK- DR-A-1003 P4

- Landscape strategy plan 1566-1-1 Nov.2020
- Proposed drainage layout P20-164-3E-ZZ-XX-DR-C-1000-P1 Nov.20
- Figure No.4 Mitigation plan 26.10.2021

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. The development shall be carried out in accordance with -Hawkeys Lane, North Shields Flood Risk Assessment for Sea Island Developments (P20-162-3E-ZZ-XXRP-

C-9000), 29.04.2021.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

4. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc), materials used in constructing the development, fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers,

and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees as defined by the Tree Protection Plan. The AMS must form part of the Contractors Method Statement.

Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. Wheel Wash SIT008 \*

9. Notwithstanding Condition 1, no part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. Site Investigation CON00 \*  
4

11. Remediation Method Statement CON00 \*  
5

12. Validation Report CON00 \*  
6

13. Unexpected Hotspots CON00 \*  
7

14. Gas Investigate no Development GAS00 \*  
6

15. Prior to construction of the development hereby approved above damp course level, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority in accordance with noise report reference 8659.2,

providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233. The scheme shall be implemented in accordance with the agreed details and thereafter retained.

Reason: To safeguard the amenity of residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Prior to first occupation of the development, details of a mechanical ventilation scheme for properties with habitable bedrooms adjacent to the supermarket delivery bay must be submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation scheme must consist of a mechanical heat recovery (MVHR) system or an equivalent system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The scheme shall be implemented in accordance with the agreed details and thereafter retained.

Reason: To safeguard the amenity of residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Restrict Hours No Construction Sun BH      HOU00    \*  
4

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the building/land shall be used only for the purpose of extra care housing for the elderly and for no other purpose including any other purpose within Use Class C2.

Reason: To enable the Local Planning Authority to retain control over the use and to safeguard the amenities of the area, protected habitats and highway safety; having regard to policies DM5.19, DM7.4 and DM5.5 of the North Tyneside Local Plan (2017).

19. Prior to commencement of development, a scheme specifying how and the number of employment opportunities will be offered to local unemployed people during construction shall be submitted to and agreed in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the agreed details.

Reason: To enable the Council to be put forward local eligible unemployed people with a view to securing work and training opportunities encourage employment in accordance with policy S2.1 of the North Tyneside Local Plan 2017.

20. All first floor windows in the 2-storey eastern gable elevation shall, up to a minimum height of 1.7 metres above finished floor level, be glazed in obscure glass to a Level 3 or above. The windows shall be either fixed shut or fitted with restrictors to limit the openings to a maximum of 100mm to allow ventilation. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.2 of the North Tyneside Local Plan (2017).

21. Notwithstanding condition 1, prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory environment within the development; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

22. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the construction and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

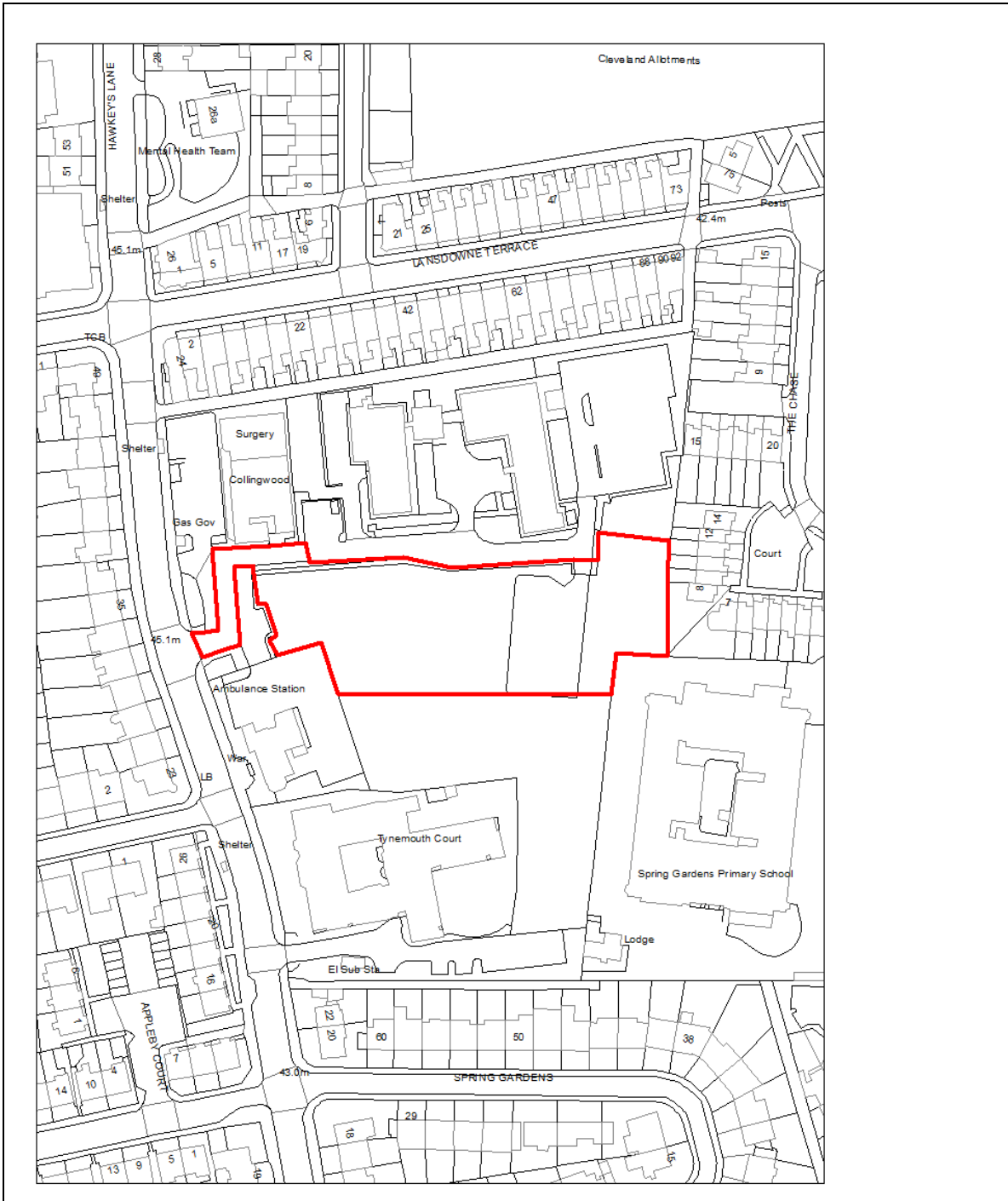
Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Contact Police Crime Prevention Security (I26)



**Application reference: 21/00920/FUL**

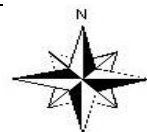
**Location: Land At Former Tynemouth Victoria Jubilee Infirmary, Hawkeys Lane, North Shields, Tyne And Wear**

**Proposal: Proposed 51no. of Extra care accommodation. Use Class C2 (Residential Institutions)(ADDITIONAL INFORMATION REGARDING C2 USE)**

Not to scale

Date: 03.02.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for 51 units of extra care accommodation. The site is accessed via the existing internal layout of the former infirmary and utilises the existing access into Hawkeys Lane.

1.3 A Transport Statement (TS) was submitted that assessed the development against the local highway network and the impact is not considered to be severe. An appropriate level of parking and cycle parking will be provided, and the site has good links with public transport. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC10 - New Access: Access before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until details of secure & undercover cycle parking provision has been submitted to and approved by in writing the Local Planning Authority. This will be implemented in accordance with the approved details and retained thereafter

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.6 Informatives:

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

2.0 Manager of Environmental health (Contaminated Land)

2.1 I have read the Phase 2 Geo-Environmental Assessment and note the following:

With regards to contamination the report states that:

"The results of the laboratory chemical analysis identified elevated levels of Lead and non-volatile PAH contamination within samples of made ground screened from across the site, which are considered to represent a potential risk to human health (i.e. future end users). Therefore, it is considered that further remedial measures (i.e. a dedicated clean cover system) will be required for this area of the site in order to mitigate any future risk."

2.2 The report recommends:

When considering the nature of the made ground, at this stage the following remedial solution is considered to represent the most viable option for this site:

- The introduction of an engineered clean cover system (600mm) within all areas of proposed soft landscaping.
- Prior to commencing with any future remedial works, a detailed Remediation Strategy should be prepared and agreed with the Local Authority, and once implemented the remediation work should be validated by a suitably qualified engineer.

2.3 With regards to gas the report states that:

"4.6 To date, the wells have been monitored on two occasions (18th April and 11th May 2019) for methane, carbon dioxide and oxygen using a portable infra-red gas monitor."

"5.17 The result of the initial assessment indicates this site falls within a Characteristic Situation 1 (CS1), indicating no gas protective measures being required. However, due to the increased levels of Carbon Dioxide recorded at the location of WS06 at this stage it is recommended that an allowance be included for the provision of gas protective measures, in accordance with CIRIA and BS8485:2015 Characteristic Situation 2 (CS2), until completion of the outstanding 4 no. gas monitoring visits."

2.4 As a remediation statement is required the following conditions must be applied:

Con 004

Con 006

Con 006

2.5 As there is outstanding gas monitoring then Gas 006 must be applied.

### 3.0 Manager of Environmental Health (Pollution)

3.1 I have concerns with regard to potential noise arising from the Aldi foodstore development affecting the proposed extra care accommodation.

3.2 I have reviewed the noise assessment which has considered noise arising from road traffic on Hawkeys Lane. Noise monitoring was carried out at two locations to the north of the site, but for noise arising from the Aldi Supermarket the noise report refers back to the noise levels referenced for planning application 19/01388/FUL.

3.3 I disagree with the noise report and its use of the AVO guide when considering noise to the south of the site adjacent to the Aldi Supermarket. The scope of the AVO guide is intended for the consideration of new residential development that will be exposed predominantly to airborne noise from transportation sources. The properties to the south façade overlooking the delivery area for the supermarket will principally be exposed to intermittent and intrusive noise from supermarket and not principally road transport noise. I therefore disagree in the determination that the properties to facing towards the south do not require mechanical ventilation. This guidance is suitable for developments where the dominant noise is transport related as such noise is



considered anonymous in nature. Noise levels from the associate delivery activities at the supermarket were calculated to result in noise levels in the region of 48 dB LAr,T and 63 dB LAFMax. The 2.4. m high fence will afford limited screening for the first accommodation and no screening for the second-floor apartments. The planning consent for the hybrid application 19/01388/FUL recommended mechanical ventilation be provided to those properties overlooking the supermarket delivery area so residents did not have recourse to open windows.

3.4 I note that the applicant proposes system 3 of Approved Document F with trickle vents for apartments to the south of the site overlooking the delivery bay but this ventilation scheme is not considered satisfactory. If planning consent is to be provided, I would therefore recommend the following:

Prior to completion of the development hereby approved above damp course level, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority in accordance to noise report reference 8659.2, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233.

Prior to occupation, submit details of the mechanical ventilation scheme for properties with habitable bedrooms adjacent to the supermarket delivery bay approval in writing and thereafter implemented. The mechanical ventilation scheme must consist of a mechanical heat recovery (MVHR) system or an equivalent system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU04  
SIT03

#### 4.0 Local Lead Flood Authority

4.1 I can confirm that I have no objections to the proposals. The applicant will be providing surface water attenuation within the site for a 1in100yr rainfall event + 40% increase for climate change via the use of an attenuation tank, permeable paving and rain gardens. The surface water from the development will discharge into the adjacent Aldi site at restricted discharge rate of 8.5l/s.

#### 5.0 Design

5.1 The amended plans and additional information address the previous concerns. The application is supported.

#### 6.0 Biodiversity Officer and Landscape Architect

6.1 The above application site is located to the east of Hawkeys Lane, North Shields and consists of approximately 0.4 - 0.5ha of brownfield land that supports semi-improved grassland and trees/scrub. A new Aldi store has planning approval to the south of the site.

6.2 The proposal is for an extra care housing development of 51 apartments.

6.3 The following Local Plan Policies are relevant to the application:

S5.4 Biodiversity and Geodiversity

DM5.5 Managing effects on Biodiversity and Geodiversity

DM5.9 Trees, Woodland and Hedgerows

6.4 Paragraphs 170, 174 & 175 of NPPF (National Planning Policy Framework) are also relevant to this application.

6.5 The information submitted to support the application (Ecological Mitigation Statement) is related to a separate application (19/01388/FUL) and is not relevant to this specific application.

6.6 In addition, the 'AIA Tree Protection Plan' drawing and Arboricultural Impact Assessment (AIA) is also for a different scheme and is not relevant to the current application and these will need to be updated in accordance with the current scheme.

6.7 The current site supports brownfield habitat (semi-improved grassland) with scattered trees and scrub habitat of biodiversity value. The scheme will result in the loss of all these habitats.

6.8 The brownfield grassland also has the potential to support S41 brownfield butterflies, providing suitable habitat for dingy skipper butterfly, therefore, surveys will need to be undertaken to ensure that this species is not impacted as a result of the scheme.

6.9 The scheme would result in the loss of brownfield habitat and the landscape strategy currently shows a very formal ornamental planting scheme that fails to provide adequate mitigation for the loss of habitats on site, particularly the brownfield grassland that will be lost. The scheme will need to provide sufficient information in line with Local Plan Policy and NPPF to demonstrate that adequate mitigation is being provided and to demonstrate net gain. It is recommended that a Biodiversity Net Gain Assessment is undertaken using Natural England's Biodiversity Metric Calculator to evidence net gain and to demonstrate that the scheme is in accordance with the above Local Plan Policies and NPPF.

6.10 The following survey information is required to enable the LPA to adequately assess the impacts of the scheme:

- Arboricultural Impact Assessment (AIA) and Tree Protection Plan
- Preliminary Ecological Appraisal (PEA)
- Dingy Skipper Surveys ( minimum of 3 site visits to be undertaken in accordance with appropriate survey methodology and during the flight period May-mid June)
- Biodiversity Net Gain Assessment
- Landscape Mitigation Plan

## 7.0 External Consultees

### 7.1 Tyne and Wear Archaeology Officer

7.2 I have checked the site against the HER and historic Ordnance Survey maps. By the end of the 20th century the majority of the site was occupied by the northwards expansion of the Victoria Jubilee Infirmary. There are few areas within the site that will not have been disturbed by the 20<sup>th</sup> century expansion of the hospital and its demolition. This is confirmed by the Phase II Geo-Environmental Assessment report submitted by the applicant. I therefore consider that no archaeological investigation is required prior to the redevelopment of the site.

### 8.0 Northumbria Police

8.1 We have no objection to planning application, however we would encourage the applicant to consider the Secured by Design (SBD) accreditation, this scheme is designed to prevent crime and reduce opportunities for crime to occur. SBD also specifies what type of doors and windows to be used and also covers other security measures which will help achieve the objectives which the scheme promotes. Further information can be found on their website [www.securedbydesign.com](http://www.securedbydesign.com) or by contacting our office.

### 9.0 Northumbrian Water

9.1 I can confirm that the proposals are acceptable, and we therefore would recommend that the Flood Risk and Drainage Strategy documents form part of any approval list.

### 10.0 Natural England

10.1 Summary of Natural England's advice: No objection

10.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

#### 10.3 European sites - Northumbria Coast Special Protection Area and Ramsar Site

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumbria Coast Special Protection Area and Ramsar site and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- The applicant has provided sufficient details to demonstrate that the proposed development will meet the requirements of a C2 use class and will not result in increased recreational disturbance on the SPA/Ramsar site. Natural England recommends that this is secured by a planning condition.

#### 10.4 Northumberland Shore Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

## 11.0 Coal Authority

11.1 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

## 12.0 Representations

12.1 1no. objection has been received. This is summarised below.

- Poor traffic/pedestrian safety.
- Traffic congestion.
- I have major concerns on behalf of the Collingwood Health Group practice with regard to patient/ pedestrian safety and traffic congestion.
- Cars will pass through the current surgery parking area to the site entrance which will be detrimental to patient safety.